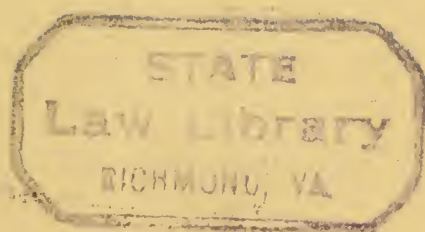


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SECOND SESSION,

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THE

# ACTS AND RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF FLORIDA,

PASSED AT ITS

SECOND SESSION,

Begun and held at the Capitol, in the City of Tallahassee, on Monday,  
November 23, 1846, and Ended January 6, 1847.

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PUBLISHED BY AUTHORITY OF LAW:

UNDER THE DIRECTION OF THE ATTORNEY GENERAL OF THE STATE.

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TALLAHASSEE:

OFFICE OF THE FLORIDIAN:

PRINTED BY SAMUEL S. SIBLEY.

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1846.

THE UNIVERSITY OF CHICAGO

1911

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1911

# TITLES OF ACTS,

## Second General Assembly--1846.

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- CHAPTER 71. An act to provide for the election of Electors of President and Vice President of the United States.
72. An act to amend an Act relative to Elections in this State.
73. An act to establish a Tariff of Fees.
74. An act providing for the payment of Solicitors' Fees, and designating the mode of collecting the same.
75. An act amendatory of the Criminal Laws now in force in this State.
76. An act relative to costs in Criminal Cases.
77. An act to amend the several acts relative to proceedings in Chancery.
78. An act to provide for taking testimony in Chancery.
79. An act to amend an act entitled "An act to organize the Supreme Court of the State of Florida," and to amend certain rules adopted by said Court.
80. An act to regulate the time of holding Courts in the Eastern Circuit of Florida.
81. An act to make certified copies of records evidence.
82. An act to amend the several acts concerning limitations of actions.
83. An act concerning Grand and petit Jurors.
84. A general law in respect to Corporations.
85. An act in respect to keeping United States' Prisoners in the Jails of this State.
86. An act to amend an act to organize the Militia of the State of Florida.
87. An act to regulate Patrols within this State.
88. An act to amend an act to raise a Revenue for the State of Florida, and defining the duties of the Assessors and Collectors thereof.
89. An act to amend an act entitled "An act for the protection of the Fisheries on the Coast of Florida."
90. An act to exempt from the payment of Capitation Tax certain persons therein named.
91. An act more particularly to define who are Retailers of Spiritous Liquors.
92. An act to allow Tax Assessors to administer Oaths in certain cases.
93. An act in relation to Seminary and School Lands, and for other purposes.
94. An act to provide for the sale of the Lands granted to the State for the purpose of Internal Improvement.
95. An act directing the late Sheriff of St. Lucie County to collect arrears of Taxes assessed for the years 1845 and 1846.
96. An act relating to the duties of the Clerk of the Circuit Court acting for the Counties of Orange and St. Lucie.
97. An act to provide for the re-establishment of the Records of the County of Columbia, and for other purposes.
98. An act to make permanent the Election Precincts in the County of Columbia, and to provide for the transmission of the Poll-books to the Judge of Probate.
99. An act to extend the time of making election returns in Monroe and Duval Counties.
100. An act to amend an act concerning Roads and Highways now in force in this State.
101. An act to repeal an act therein named.
102. An act amendatory to the several acts incorporating the City of Apalachicola.
103. An act to amend an act entitled "An act to incorporate the City of Key West."

104. An act to amend the several acts heretofore passed relative to the migration of free persons of Color into this State, so far as relates to the Island of Key West.
105. An act to change the Northern line of St. Lucie County.
106. An act to alter and define the boundary lines of Marion County.
107. An act to alter the Southern boundary of Benton County, and to establish the line dividing Hillsborough and Benton Counties.
108. An act to define the boundary of Washington County.
109. An act to fix permanently the County seat of Calhoun County.
110. An act to provide for the permanent location of the County site of Benton County.
111. An act giving a Lien to Steamboat-men and others navigating the Bay and River of Apalachicola.
112. An act to establish and regulate Pilotage on the Waters and in the Harbors of St. Lucie County.
113. An act to establish and regulate Pilotage on the Waters and in the Harbors of Dade County.
114. An act to regulate Pilotage at the Port of Cedar Keys.
115. An act to authorize Henry Hewett to establish a Ferry across Choctaw-hatchie River.
116. An act to authorize Richard T. Martin to establish a Ferry across Write's Creek.
117. An act to authorize Jesse Coe to establish a Ferry across the Apalachicola River.
118. An act to declare the River Miami a navigable stream.
119. An act to re-organize the Sixth Regiment Florida Militia.
120. An act in relation to the Jasper Hussars.
121. An act to authorize Reason F. Swilley, administrator of Calvin E. Swilley, deceased, to sell the real estate of said deceased at private sale.
122. An act for the relief of the Executors of the estate of Nehemiah Brush, deceased.
123. An act to authorize Eliza A. Crews and J. M. Crews, administrators of James Niblack, deceased, to sell certain real estate.
124. An act to legitimate and change the names of Wm. J. Fountain and others therein named.
125. An act to change the name of Seaborn E. Walker to that of Seaborn E. Rawles.
126. An act to alter and change the name of Theodora Caroline Trezvant.
127. An act to change the name of Betsy Ann Wingate.
128. An act for the benefit of Buckingham Smith.
129. An act for the relief of John B. DeCorce.
130. An act to admit Charles P. Cooper to practice law in the several Courts in this State.
131. An act to admit Wilkinson Call to practice law in the several Courts in this State.
132. An act to admit George W. Stewart to practice law in the several Courts of this State.
133. An act to adopt a seal for the Supreme Court of this State.
134. An act making appropriation to defray the expenses of the second General Assembly.


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## RESOLUTIONS.

1. Resolution requiring the Treasurer to issue his certificates in such sums as the claimant may require.
2. Preamble and resolution exempting the citizens of St. Lucie County from serving as Jurors beyond the limits of said County.
3. Preamble and resolution relative to the establishment of a complete educational system.
4. Preamble and resolution asking Congress to grant to the State of Florida the Barracks at St. Augustine.

5. Preamble and resolution requesting the Governor to transmit to our Senators and Representative in Congress copies of the resolutions in relation to the Seminary lands, &c. adopted by the last General Assembly.
6. Resolutions in relation to the claim against the Territory of Florida by the Third Auditor of the United States Treasury Department.
7. Preamble and resolution relative to the permits of settlers under the Armed Occupation Act.
8. Preamble and resolutions relating to settlers under the Armed Occupation Act.
9. Preamble and resolutions relating to the removal of the Indians now remaining in Florida.
10. Preamble and resolutions in relation to losses from depredations of Indians.
11. Preamble and resolutions relative to the establishment of a Post Office at Fernandina, on Amelia Island.
12. Preamble and resolution relative to a mail route from the town of Milton to Sparta, Alabama.
13. Resolution relative to the United States Bridge over the St. Sebastian River.
14. Preamble and resolutions for cleaning out the Oclawaha River.
15. Preamble and resolution relative to the establishment of a Light House at Indian River Bar.
16. Preamble and resolution asking Congress to make an appropriation to build a Light House at Egmont Key, on the coast of Florida.
17. Preamble and resolutions asking of Congress the erection of a Light House at New Smyrna, on the Eastern coast of Florida.
18. Preamble and resolution in relation to a Light House at or near the mouth of the Suwannee River.
19. Resolution in addition to the resolution in relation to the establishment of a Light House at the mouth of the Suwannee River.
20. Preamble and resolutions in relation to the Haul-over on the Atlantic coast.
21. Resolution in relation to the claim of B. G. Thornton.
22. Resolution authorizing the Governor to pay the necessary expenses attending the transportation of Arms.
23. Resolution relative to the distribution of the Public Arms.
24. Preamble and resolution relative to an account of P. A. Hayward.
25. Resolutions authorizing the Comptroller to audit a certain account of Dr. R. E. Little.
26. Resolution in relation to Dr. B. S. Scriven's account for medical services to prisoners.
27. Resolution in relation to a lot purchased by Frederick Hoc.
28. Preamble and resolution in relation to the claim of the Tallahassee Fund against Henry M. Brackensidge.
29. Resolution in favor of the Governor's Private Secretary.
30. Resolution in relation to Treasury Certificate issued to Enos Evans for Six Dollars.
31. Resolution relative to the investigation of the claim of Captain Wm. H. Payne's Company.
32. Resolutions authorizing the Governor to purchase three copies of the compendium of Modern Civil Law.
33. Resolutions authorizing the Governor to purchase Treatises on the Orange Trees, &c.
34. Resolutions authorizing the publishing of the Laws to alter the Constitution.
35. Resolution authorizing the Governor to allow all accounts for the transportation of the Laws, Journals, &c.
36. Resolution requiring the Secretary of State to transmit public documents to the Librarian of Harvard University.





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# L A W S

## OF THE STATE OF FLORIDA,

Passed at the Second Session of the General Assembly of the State—1846.

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WILLIAM D. MOSELEY, Governor. JAMES T. ARCHER, Secretary of State.  
NATHANIEL P. BEMIS, Comptroller of Public Accounts. BENJAMIN BYRD,  
State Treasurer. JOSEPH BRANCH, Attorney General. DENNETT H. MAYS,  
President of the Senate. Hugh Archer, Secretary of the Senate. ROBERT  
BROWN, Speaker of the House. Mariano D. Papy, Clerk of the House.

1846.

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### CHAPTER 71.--[No. 1.]

AN ACT to provide for the election of Electors of President and Vice President of the United States.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Governor of this State, sixty days previous to the time provided by this act for the election of electors of President and Vice President of the United States, shall, by proclamation to be inserted in at least one newspaper published at the seat of government, and such other papers printed in the State as he may see fit, give notice of the time of such election, and the number of electors of President and Vice President to be chosen.

Notice of election.

SEC. 2. *Be it further enacted,* That the persons qualified to vote for members of the House of Representatives of the General Assembly of this State, shall, on the thirty-fourth day preceding the first Wednesday in December, unless it should be on a Saturday or Sunday, and in that event, on the succeeding Monday, in the year eighteen hundred and forty-eight, and in every fourth succeeding year, assemble at the places which may be designated for holding the election, and proceed to elect a number of electors of President and Vice President of the United States equal to the number of Senators and Representatives this State may be entitled to in the Congress of the United States; and the election precincts in the different Counties and the inspectors thereof shall be designated and appointed in the same manner and the election shall commence and close at the same hours, and be conducted under the same rules and regulations as is or may be directed by law for electing the Representative to Congress.

Qualifications of voters.

Time of election.

Number of electors.

Inspectors and manner of conducting election.

SEC. 3. *Be it further enacted,* That it shall be the duty of the in-

1846.

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|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Duty of Inspectors and Sheriffs.                | inspectors at the different precincts in each county forthwith, after the close of the election, to seal up a poll book of the election, which shall be carried within two days after the day of the election, to the Sheriff of the County, who shall attend the two days succeeding the election at the court house or county-site for the purpose of receiving poll books as aforesaid; and if the inspectors at the different precincts or any one of them shall fail to carry the poll books as aforesaid, they shall forfeit and pay to the State the sum of one hundred dollars each, to be recovered by an action of debt before any Court having cognizance thereof.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Penalty.                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Duty of Sheriff delivering poll book.           | SEC. 4. <i>Be it further enacted</i> , That the Sheriff, upon receiving the poll books as aforesaid, shall administer an oath or affirmation to each inspector, who shall deliver said poll book, that he was an inspector of said election, and shall endorse a certificate of having administered such oath or affirmation on the poll book or packet delivered to him, and shall moreover give the inspector delivering the poll book a receipt for the same, which receipt the inspector shall file with the Judge of Probates for that county; and the said Sheriff, on the receipt of the poll books shall deliver or cause the same to be delivered to the Secretary of State at his office within twenty-five (25) days after the election under the penalty of one thousand dollars, to be recovered by an action of debt before any court having cognizance thereof.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Receipt to be filed.                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| When poll-book to be returned to Sec. of State. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Penalty                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| When poll-books to be opened.                   | SEC. 5. <i>Be it further enacted</i> , That the said poll books, on the twenty-sixth day, unless it be Sunday, and in that event on the twenty-seventh day after the election, shall be opened by the Secretary of State, in the presence of the Comptroller and Treasurer of the State, and such of the Sheriffs as may choose to attend; the Secretary of State shall cause the poll books, as they are opened, to be read aloud, and shall make out a fair abstract of the names of the persons voted for, and the number of votes given for each; he shall make out and sign a certificate containing in figures and words written at full length the number of votes given in the State for electors of President and Vice President of the United States, the names of the persons for whom such votes were given, and the number of votes to each, which certificate shall be recorded by the Secretary in his office, and published in one or more newspapers printed in the State, for the information of the public; and the Governor shall forthwith make out for the number of persons to be elected, and who have the greatest number of votes, certificates of their being duly elected electors of President and Vice President of the United States, and transmit by special messenger or other safe conveyance, the proper certificate to each person so elected: but if more than the number of persons to be elected have the greatest and an equal number of votes, then the election of those having such equal number of votes shall be determined by lot, to be drawn by the Secretary of State in the presence of the Governor, Comptroller, Treasurer, and Sheriffs aforesaid, and the said poll books shall be kept in the Secretary's office, subject to the inspection of any person who may choose to examine the same. |
| Duty of Sec. of State.                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Notice to electors of their election.           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| In cases of a tie.                              | SEC. 6. <i>Be it further enacted</i> , That the electors who shall be cho-                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |



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sen as aforesaid, shall, at twelve o'clock on the day which is or may be directed by the Congress of the United States, meet at the seat of government of this State, and shall then and there perform the duties enjoined upon them by the constitution and laws of the United States.

SEC. 7. *Be it further enacted*, That the several persons who shall be appointed to conduct the election of electors of President and Vice President of the United States shall, for neglect of duty or for improper conduct, be liable to the same penalties and forfeitures as are or may be provided by the law for regulating elections in this State.

When and where electors to assemble.

Penalty for misconduct in conducting the election.

SEC. 8. *Be it further enacted*, That each elector of President and Vice President of the United States, shall, before the hour of twelve o'clock on the day next preceding the day fixed by the law of Congress to elect a President and Vice President of the United States, give notice to the Governor that he is at the seat of government, and ready at the proper time to perform the duties of elector; and the Governor shall forthwith deliver to the electors present a certificate of all the names of the electors; and if on examination thereof it should be found that one or more of said electors are absent, and shall fail to appear before ten o'clock in the morning of the day of election of President and Vice President as aforesaid, the electors then present shall immediately proceed to elect by ballot, in the presence of the Governor, a person or persons to fill such vacancy or vacancies as may have occurred through the non-attendance of one or more of the electors.

Elector to notify Governor.

Absence of elector.

SEC. 9. *Be it further enacted*, That if any more than the number of persons required to fill the vacancy or vacancies as aforesaid, shall have the greatest and an equal number of votes, then the election of those having such equal and highest number of votes shall be determined by lot to be drawn by the Governor in the presence of the electors attending; otherwise he or they, to the number required, having the greatest number of votes, shall be considered elected to fill said vacancy or vacancies.

In case of tie to fill vacancy.

SEC. 10. *Be it further enacted*, That immediately after such choice is made in manner aforesaid, the name or names of the person or persons so chosen shall forthwith be certified to the Governor by the electors making such choice, and the Governor shall cause immediately notice in writing to be given to such and every elector chosen to fill such vacancy or vacancies as aforesaid; and the said person or persons so elected and notified, and not the person or persons in whose place he or they shall have been chosen, shall be electors, and shall meet the other electors at the same time and place, and then and there discharge all and singular the duties enjoined on him or them as electors as aforesaid by the constitution and laws of the United States and of this State.

Notice to person to fill vacancy.

Duty of.

SEC. 11. *Be it further enacted*, That whenever the offices of President and Vice President of the United States shall both become vacant, it is hereby declared to be the duty of the Governor of the State for the time being, upon receiving a notification of such vacancy from the Secretary of State of the United States, or other proper officer, forthwith to issue his proclamation directing an election for electors

In case of death of President and Vice President.

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of President and Vice President of the United States as herein prescribed for holding the regular and stated elections thereof, and the electors elected under this section shall meet at the seat of government and discharge all and singular the duties enjoined on electors of President and Vice President of the United States by the constitution and laws of the United States and of this State.

Compensation  
of electors.

SEC. 12. *Be it further enacted*, That each and every elector who shall attend as an elector at the seat of government as aforesaid, shall be entitled to receive three dollars for each and every day's attendance, and ten cents for every mile of travel of the estimated distance by the most usual route from his place of residence to the seat of government, and the like sum for returning, which sum shall be allowed by the Comptroller, on the certificate of the Governor, and paid by the Treasurer out of any moneys in the Treasury not otherwise appropriated.

Compensation  
of Sheriffs.

SEC. 13. *Be it further enacted*, That the Sheriffs of the different counties shall each receive for attendance at the court house of their respective counties to receive the poll books from the different precincts therein, the sum of three dollars, and for delivering the poll books to the Secretary of State at his office, the rate of ten cents for every mile of travel to and from the seat of government, the distance to be estimated from their respective court houses or county sites, on the most usual route to the seat of government, which fee shall be allowed by the Comptroller, on the certificate of the Secretary of State, and paid by the Treasurer.

[Passed Senate, January 4, 1847. Passed the House of Representatives, January 6, 1847. Approved by the Governor, January 6, 1847.]

## CHAPTER 72.—[No. 2.]

AN ACT to amend the act relative to Elections in this State.

Forms of elec-  
tion returns.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Secretary of State be, and he is hereby, required to cause to be prepared forms for the use of the inspectors of election conformable to the provisions of the act to which this is an amendment, and he shall annually transmit, at least ninety days before any general election, to the Judges of Probate within the respective counties of this State, a sufficient number thereof for the several precincts within their counties, and shall also have printed a sufficient number of copies of the election law, to be transmitted in like manner for the several precincts, once in three years, unless the election law shall be altered, in which case, the law, as amended, shall be transmitted as aforesaid.

Election laws.

To be trans-  
mitted to in-  
spectors.

SEC. 2. *Be it further enacted*, That the Judges of Probate of the respective counties on the receipt thereof, shall, whenever the inspectors of election are by him appointed, transmit to one of the said inspectors, for the use of the board, a copy of said law, and a set of the forms prepared under this act.



SEC. 3. *Be it further enacted*, That the expenses to be incurred in pursuance hereof, shall be paid out of the Treasury of this State, upon the warrant of the Comptroller, who shall audit the respective accounts for the same. 1846.  
Expense there-  
of.

[Passed Senate, December 30, 1846. Passed the House of Representatives, January 2, 1847. Approved by the Governor, January 5, 1847.]

### CHAPTER 73.—[No. 3.]

AN ACT to establish a Tariff of Fees.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened*, That the several officers hereinafter named, shall be entitled to charge, demand and receive the following fees respectively, viz :

#### THE SECRETARY OF STATE

Shall receive for every official certificate and seal, one dollar.

Recording and copying papers officially, for the first one hundred words, twenty-five cents ; every subsequent one hundred words fifteen cents :—*Provided*, he shall not charge the State for any official service performed under this act. Secretary of  
State.

Issuing commissions, one dollar, as in all cases now provided for by law.

#### JUDGES OF PROBATE

Shall receive for granting and issuing letters of administration, executorship, guardianship, or curatorship, three dollars. Judges of Pro-  
bate.

Issuing warrant of appraisement under seal, fifty cents.

Issuing each and every citation or notice, under seal, fifty cents.

Granting each rule, fifty cents.

Writing and taking each affidavit of one hundred words or less, twenty-five cents ; if containing more than one hundred words, at the rate of fifteen cents for every subsequent hundred words. Affidavit.

Administering each and every oath, ten cents.

Recording or copying any will, settlement, or other paper, or order of court, required or necessary to be recorded or copied, for the first one hundred words, twenty cents ; for every subsequent hundred words after the first hundred, fifteen cents. Recording.

Writing and approving each and every bond, seventy-five cents.

Filing each paper relating to estates, five cents.

For every certificate, with seal of court thereto, of one hundred words or less, thirty cents ; if more than one hundred words, at the rate of ten cents for every subsequent hundred. Certificate.

Every search of less than one year's standing, ten cents.

Every search of more than one year's standing, twenty cents.

Taking renunciation of dower, with certificate thereto, one dollar.

For entering every judgment or decree of one hundred words or less, twenty cents ; and for every subsequent one hundred words, at the rate of ten cents per hundred words. Judgment or  
Decree.

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Auditing accs.

Examining and auditing annual settlements of administrators, executors, or guardians, one fourth of one per cent. on the amount thereof, debits and credits.

For drawing every other paper or writing not hereinbefore otherwise designated, of one hundred words or less, twenty cents, and for every subsequent hundred words, at the rate of ten cents per hundred words.

Any other service not herein specified, the same fee as is allowed to clerks of Circuit courts :—*Provided*, That no fees shall be demanded for recording vouchers of administrators, guardians or other persons.

## THE CLERK OF THE SUPREME COURT

Clerk of Supreme Court.

Shall receive for issuing writ of error, one dollar.

Writ of scire facias ad audiendum errores, one dollar.

Filing and entering returns of each of said writs, twenty-five cents.

Entering the appearance of defendant in error, twenty-five cents.

Filing and entering assignment of errors, twenty-five cents. And the said

## CLERK OF THE SUPREME COURT AND THE CLERKS OF THE CIRCUIT COURTS

Clerks of Supreme and

Shall also receive, for issuing writ of error, or scire facias ad audiendum errores, one dollar.

Docketing each case on appearance or other docket, ten cents.

Transferring and re-docketing each case, after continuance, ten cents.

Entering appearance of defendant in person or by attorney, ten cents.

Issuing summons ad respondendum, under seal of court, fifty cents.

Issuing subpœna at law, and entering return, twenty-five cents.

Docketing each subpœna in subpœna docket, when such docket is kept, ten cents.

Writing and taking affidavit of one hundred words or less, twenty-five cents; and for every subsequent one hundred words at the rate of fifteen cents.

Circuit Courts

Drawing and approving each bond or recognizance, seventy-five cents.

Issuing commission to take testimony under seal of court, seventy-five cents.

Issuing instructions to commissioners to accompany commission, in each case, fifty cents.

Arraigning each prisoner in capital offences, fifty cents.

Entering plea,  
&c.

For entering every plea, rule, order, judgment, sentence, or decree of court, of one hundred words or less, twenty cents; and at the rate of ten cents for every subsequent hundred words; and for enrolling the same on minutes, the same rate.

Administering each and every oath, ten cents.

Calculating interest and assessing damages for judgment in each suit, twenty-five cents.

Docketing each and every judgment, in dockets of judgments, twenty-five cents.

Filing each and every paper in a suit or other matter, five cents. Clerks of Supreme and Swearing, and calling, and recording petit jury in each suit, fifty cents.

Recording verdict of jury in each suit, twenty cents.

Issuing writ of fieri facias, or habere facias possessionem, under seal of court with endorsements, taking sheriff's receipts for same, and entering return of same, one dollar.

Docketing each fi fa. in execution docket, and numbering same, twenty cents.

Every certificate under seal of court, of one hundred words or less, thirty cents; if containing more than one hundred words, at the rate of ten cents for every subsequent one hundred words.

Each search of less than one year's standing, ten cents.

Circuit Courts

Each search of more than one year's standing, twenty cents.

Taxing costs in each suit, twenty-five cents.

Recording or copying any instrument of writing containing one hundred words or less, twenty cents; if containing more than one hundred words, at the rate of ten cents for every subsequent one hundred words. Recording.

Issuing marriage license, recording and filing same, and recording and filing return of minister, judge, or magistrate executing the same, two dollars

Issuing each subpœna in chancery, or writ of injunction, under seal of court, with requisite endorsements thereon, and entering return of same, one dollar.

For every process at law or in chancery, under seal of court, if the same contains two hundred words or less, fifty cents; if containing more than two hundred words, at the rate of ten cents for every subsequent one hundred words. Process under seal of Court.

Drawing every other paper or writing, not hereinbefore otherwise designated of one hundred words or less, twenty cents; if containing more than one hundred words, at the rate of ten cents for every subsequent one hundred words.

Receiving moneys into registry of court, and paying out same by order, one per cent on the first five hundred dollars, and half of one per cent on each subsequent one hundred dollars. Receiving and paying moneys

Entering each rule on rule docket, twenty-five cents.

Issuing license to hawkers and pedlars, one dollar.

#### SHERIFFS

Shall receive for levying writ of fieri facias, attachment or other process, each levy, one dollar. Sheriffs.

For arresting each defendant or prisoner under capias, ca. sa, search or other warrant or writ, one dollar.

Executing habere facias possessionem, one dollar.

Each service of writ in actions at law or chancery, or other process, fifty cents.

Record and return of every writ or process, ten cents.

Each copy of any process containing one hundred words or less,



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twenty cents ; if containing more than one hundred words, at the rate of ten cents for every subsequent one hundred words.

Writing, taking and approving each bond, seventy-five cents.

Calling jury in each suit, twenty-five cents.

Mileage, the distance to be estimated to and from the court house to the residence or abode of the person served with process, going and returning, per mile, three cents.

Sheriffs. For committing prisoner to jail under ca. sa., capias, mittimus, or other process, one dollar.

Each re-commitment of prisoner, under order of court, fifty cents.

Releasing each prisoner, twenty-five cents.

Executing writ of habeas corpus, one dollar.

Conveying prisoner to jail after arrest, or removing prisoner, per mile, ten cents.

Whipping a person under sentence of the court, two dollars.

Confining person in pillory, under sentence of court, two dollars.

Branding prisoner, five dollars.

Nailing ears of prisoners to posts, under sentence of court, three dollars.

Hanging a prisoner under judgment and sentence of court, ten dollars.

Collecting money. Collecting money under execution, attachment, or other process, where there is an actual sale—on the first three hundred dollars, three per cent, and on all sums exceeding three hundred dollars, and less than two thousand dollars, two per cent, and on balance of all sums exceeding two thousand dollars, one per cent ; without sale, on the first three hundred dollars, two per cent, and on all sums exceeding three hundred dollars and less than two thousand dollars, one per cent., and on balance of all sums exceeding two thousand dollars, one half per cent.

Advertising. Advertising property for sale according to law, under legal process, fifty cents.

Keeping slaves horses, &c. For keeping each slave, taken under execution, attachment, or other process, such slave to be allowed half pound cooked meat per day and one pound of bread per day, or its equivalent, thirty cents.

For keeping horses, cattle, or other stock, taken under legal process, such reasonable allowance as the judge or justice from whose court the process may have issued, may deem just and proper.

Bailiff, ser- And for actual and necessary expenses paid out or incurred in the levy and safe keeping of personal property, or in the arrest, safe keeping and punishment of criminals, (as are not provided for by law) such reasonable allowance as either of the judges or the justice from whose court the process may have issued, shall deem just and proper :—*Provided however*, That there shall not be allowed for interpreters to the courts, more than three dollars per day ; for bailiffs more than one dollar per day each ; for servants to attend on the courts, more than seventy-five cents per day ; for each person as a guard, more than one dollar and fifty cents per day ; for horse-hire, more than one dollar per day ; for boat and hand hire per day, four dollars, for each day employed in actual service ; for erecting gal-

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Stationery,  
Wood, &c.

lows, more than ten dollars; for erecting pillory, more than three dollars; and for all stationery, wood, and candles, furnished for the use of the court, the judges shall make a specific requisition on the sheriffs for the amount to be furnished, which shall be the sheriff's voucher therefor.

For executing deed for real estate (to be paid by purchaser,) one dollar.

Executing bill of sale for personal property, to be paid by purchaser, one dollar.

Summoning grand and petit jurors, under venire facias, for each term of the court, (mileage included) twenty dollars.

Summoning each juror under special venire facias, or summoning talesman, or by-standers, by order of the court, (mileage included) twenty-five cents.

Summon'g jurors.

For attendance upon Supreme court, three dollars per day.

MASTERS IN CHANCERY

Shall receive for every summons to parties, with names of witnesses, fifty cents.

Masters in Chancery.

For every subpoena, twenty-five cents.

Every oath administered, ten cents.

For marking and numbering each exhibit produced before him, ten cents.

For attendance upon every case, if litigated, two dollars and fifty cents; if not litigated, one dollar.

Attendance on cases.

For attendance to settle report, if litigated, two dollars and fifty cents.

For attendance to settle report, if ex parte, one dollar.

For drawing reports and schedules, upon a reference, per folio, twenty cents.

For engrossing and returning same, per folio, fifteen cents,

For drawing and approving bond, one dollar.

For report upon a reference for the appointment of a guardian, two dollars and fifty cents.

For drawing every order, notice or paper required, per folio, twenty cents.

Drawing papers.

For copies of all papers furnished, for first folio, twenty cents; for each subsequent folio, five cents.

For attending at time and place of sale, and adjourning same, one dollar.

For drawing and executing every deed or bill of sale, five dollars.

For taking every recognizance, fifty cents.

For receiving and paying out all moneys, except moneys arising from sales, three per cent. on the first five hundred dollars, and half per cent. on every subsequent one hundred dollars.

Receiving and paying moneys

For taking deposition of every witness, per folio, twenty-five cents.

For all sales made by him, the same fees as are allowed to sheriffs.

For taking any account under an order of court, or other services not herein provided, such compensation as the court may deem reasonable.

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## JUSTICES OF THE PEACE

Justices of the peace. Shall receive for each day's attendance while sitting as a court to hear and determine proceedings under the act concerning forcible entry and detainer, per day each, two dollars.

Issuing each peace, search, or other warrant in criminal cases, fifty cents.

Issuing each writ of attachment, summons, or execution, fifty cents.

Issuing each subpoena, twenty-five cents.

Taking affidavit. Writing and taking affidavit of one hundred words or less, twenty-five cents; if containing more than one hundred words, at the rate of fifteen cents for every subsequent one hundred words.

Writing, taking and approving each bond or recognizance, seventy-five cents.

Swearing each jury, fifty cents.

Administering each and every oath, ten cents.

For entering every judgment in each suit, twenty-five cents.

Relinquishment of dower. Taking relinquishment of dower, with certificate thereto, one dollar.

Copy of any record or other paper containing one hundred words or less, twenty cents; for every subsequent one hundred words, ten cents.

Drawing papers. Drawing every other paper or writing, not herein otherwise designated, containing one hundred words or less, twenty-five cents; if containing over one hundred words, at the rate of fifteen cents for every subsequent one hundred words.

## CONSTABLES

Constables. Shall receive for service and return of summons, fifty cents.

Levy and return of execution, writ of attachment or other legal process, seventy-five cents.

Executing and return of peace, search, or other warrant in criminal cases, one dollar.

Summoning jury, mileage included, seventy-five cents.

Writing and approving each bond, seventy-five cents.

Collecting money. Collecting money under execution, or other process, the same commissions as allowed to sheriffs.

Mileage the same as allowed to sheriffs:—*Provided*, the distance be estimated to and from the residence of the person served with process, to the place of holding justice's court, except in cases of arrest, where the number of miles actually travelled shall be charged.

Copies of process. Copy of any process or other paper required to be copied, of one hundred words or less, twenty cents; if over one hundred words, at the rate of ten cents for every subsequent one hundred words.

Writing and posting up advertisements of property to be sold, fifty cents.

Service and return of every process not herein designated, fifty cents.

Deeds, bills of sale. Writing and executing deeds, one dollar.

Bills of sale, seventy-five cents.

For all other services not herein provided for, the same as allowed to sheriffs.



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Special officers

Translators of courts, elisors, and all special officers appointed by the court, shall receive for their services such compensation as the judge of the court wherein the services have been rendered, shall deem just and proper.

#### NOTARIES PUBLIC

Shall receive for protesting bill of exchange or promissory note, and registering same, one dollar. Notaries Public.

For noting bill of exchange for non-acceptance or non-payment, fifty cents.

Administering each oath, ten cents.

Attending at a demand, tender, or deposit, and noting same, one dollar.

Noting protest of a captain of vessel, one dollar, and five dollars for extending protest and copy.

Registering foreign protested bill or protest, fifty cents.

Each certificate with seal thereto, one dollar.

Each order for survey, one dollar.

Copying any paper necessary to be copied, the same as allowed clerks Supreme court and Circuit courts.

#### CORONERS

Shall receive for summoning a jury and taking an inquisition on a dead body, and making the necessary return thereof, to be paid by the estate of the deceased if the same be sufficient, if not, by the county, six dollars. Coroners.

Any other service performed officially, the same fees as allowed to sheriffs for similar services.

#### COUNTY SURVEYORS

Shall receive such compensation for their services as shall, from time to time, be established by the board of County Commissioners of their respective counties, to be paid by the party requiring their services. County Surveyors.

#### JAILORS

Shall receive for imprisoning and releasing each prisoner, twenty-five cents. Jailors.

For keeping and providing for prisoners, runaway slaves, or slaves taken under execution or other legal process, per day each, forty cents.

For ironing prisoner and taking off irons, fifty cents.

For medicines, medical service and attendance furnished to prisoners, such amount as may be allowed by the County Commissioners of the proper county, provided such prisoner shall be acquitted and discharged, or shall be insolvent and unable to pay the same.

#### PHYSICIANS

Shall receive for attendance upon prisoners in any of the jails of this State, the sum of seventy-five cents per day for their actual attendance, and the usual price for medicines as charged by druggists in the county where such services are rendered. Physicians.

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## SOLICITORS OF THE SEVERAL CIRCUITS

Solicitors.

Shall receive for every indictment, where the offence charged is not capital, five dollars.

For every indictment where the offence charged is capital, fifteen dollars.

For every civil action in behalf of the State, prosecuted to effect, where the amount recovered exceeds one hundred dollars, such reasonable allowance as the judge before whom the case is tried, shall deem just and proper; if the amount be less than one hundred dollars, five dollars:—*Provided*, That in no case of criminal prosecution shall any fee be allowed to any Solicitor when the prosecution fails by reason of any defect in the indictment, or where a nolle prosequi is entered.

## WITNESSES

Witnesses.

Shall receive for each day's attendance on the Circuit court, seventy-five cents.

For each day's attendance on justice's or other court, fifty cents.

For mileage to and from the place of holding court to abode of witnesses, four cents per mile.

For expense of writing out ticket and proof of same, ten cents.

Shall make  
proof of de-  
mand.

And any witness when the cause in which he or she is attending as a witness is continued, (except in cases in behalf of the State) such witness shall have the right to make out and prove before the Clerk or Justice of the Peace, or other person issuing the subpoena, his or her account for attendance, mileage, &c. and to demand of the party at whose instance he or she may have been summoned, the payment thereof; and if default be made in the payment of the same, such witness shall not be considered in contempt of court for non-attendance thereafter as a witness in such case in behalf of the same party:—*Provided*, he or she shall make proof of such demand; and every witnesses account made out and proven as aforesaid, and signed by the Clerk, Justice or other person issuing the subpoena, shall have the force and effect of an execution, and may be levied by any constable of the county upon the goods and chattels of the party for whom the services were rendered, and collected in like manner as executions from a justice's court:—*Provided nevertheless*, That any witness shall have the right at his or her option, to defer making out his or her account until the suit in which he or she shall attend as a witness is determined, and have the same taxed in the bills of costs in the suit.

Penalty for  
false bill.

SEC. 2. *Be it further enacted*, That where any witness or officer of a court shall willfully and knowingly charge or levy more than he or she is really entitled to, such witness or officer shall forfeit and pay to the party injured, four times the amount so unjustly claimed, to be recovered on motion, before the court wherein the services were rendered.

Fees taxed in  
bill of costs.

SEC. 3. *Be it further enacted*, That the several fees herein provided for, shall in all cases of suits, be taxed in the bill of costs, and collected with the judgment and other costs of the suit: *Pro-*

vided, That each distinct item of costs shall be particularly enumerated in the bill of costs.

SEC. 4. *Be it further enacted*, That no officer shall have a right to demand from the State of Florida, or from any county thereof, any other fees than such as may accrue for services in the apprehension, safe keeping, prosecution or punishment of criminals, saving and excepting all such as are provided for by this act. State to pay only criminal fees.

SEC. 5. *Be it further enacted*, That if either party in a suit shall pay any costs therein before judgment, decree, or disposal of the case, such party shall have the right, if he, she, or they recover judgment against the opposite party, to have the amount so paid by him, her or them taxed and included in his, her or their judgment: Costs paid before judgment to be taxed against loser.  
*Provided*, That each distinct item of costs so paid, be particularly enumerated in the bill.

SEC. 6. *Be it further enacted*, That it shall be the duty of the clerks of the several courts to tax the costs accruing to each case, when the same is determined, or at the close of each term of the court, if required, and to keep a duplicate of the bill of costs on file among the original papers in the suit. Clerks to tax costs.

SEC. 7. *Be it further enacted*, That when a bill of costs shall be taxed by the clerk and approved of by the judge of the court where the services have been rendered, it shall have the force and effect of an execution, and shall be collected by the sheriff as in other cases of executions, and it shall not be necessary to issue executions therefor. Bill of costs to have force of execut'n, when.

SEC. 8. *Be it further enacted*, That no fee shall be charged in any case, or for any official service performed, or claimed to be performed by any officer of any name, character or description whatsoever, within the State, unless said fee be expressly authorised and their amount be specified by law. No fee to be charged unless authorized by law.

SEC. 9. *Be it further enacted*, That the clerk of the Supreme court, shall receive three dollars per day for his attendance on the Supreme court while in session, to be paid out of the Treasury of the State. Clerk of Supreme Court to receive \$3 per day, when.

SEC. 10. *Be it further enacted*, That all other laws conflicting with the true intent and meaning of this act, be and the same are hereby repealed. Repeal.

[Passed the House of Representatives, December 31, 1846. Passed the Senate, January 5, 1847. Approved by the Governor, January 6, 1847.]

## CHAPTER 74.—[No. 4.]

AN ACT providing for the payment of Solicitors' fees, and designating the mode of collecting the same.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the several Solicitors of this State shall be entitled to the fees in criminal cases now allowed them by law, to be collected in the fol- Fees how paid



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Proviso.

Repeal.

lowing manner, and not otherwise, that is to say—In all criminal prosecutions, the Solicitor's fee shall be taxed in the bill of costs and collected by the Sheriff with the other costs of the case, and be by him paid over to the Solicitor: *Provided*, That in all instances where said fee or any part thereof cannot be so collected, and it shall so appear by the return of the Sheriff, then the same shall be a charge upon the Treasury of the State.

SEC. 2. *Be it further enacted*, That all acts or parts of acts conflicting with the provisions of this act, be, and the same are hereby repealed.

[Passed the Senate, December 22, 1846. Passed the House of Representatives, December 26, 1846. Approved, December 29, 1846.]

### CHAPTER 75.—[No. 5.]

AN ACT amendatory of the Criminal Laws now in force in this State.

Punishment of  
certain offen-  
ces.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter, if any person shall be convicted, whether upon indictment now pending or hereafter to be presented, of any of the offences, the punishment of which under the provisions of an act approved, February 27th, 1839, entitled, an act to amend an act entitled, an act relating to crimes and misdemeanors, approved, February 10th, 1832, is prescribed to be a fine not exceeding fifteen hundred dollars nor less than, two hundred dollars, and imprisonment not exceeding six months, nor less than thirty days, at the discretion of the court, he shall be fined in any sum not exceeding fifteen hundred dollars and not less than ten dollars, and imprisoned for any time not exceeding six months and not less than one month, at the discretion of the court.

Selling liquor  
to slaves.

Trading with  
slaves

SEC. 2. *Be it further enacted*, That if any person or persons shall either himself or by his servant, or agent, sell or barter to any slave or slaves, any vinous or spirituous liquors of any description, without an express license in writing from the person having control of said slave or slaves authorising said slave to purchase the same, or buy or barter with any slave or slaves any article whatever, without license as aforesaid, he, she, or they so offending, on conviction thereof before the Circuit court, shall be fined in a sum not less than twenty-five dollars nor more than two hundred dollars, or imprisoned not exceeding three months, at the discretion of the Judge.

Carrying arms  
secretly.

SEC. 3. *Be it further enacted*, That hereafter it shall not be lawful for any person in this State to carry arms of any kind whatsoever secretly, on or about their person, and if any dirk, pistol or other arm or weapon, except a common pocket knife, shall be seen or known to be secreted upon the person of any one in this State, such person so offending, shall on conviction, be fined not exceeding five hundred dollars and not less than five dollars, or imprisoned not exceeding six months and not less than ten days, at the discretion of

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the court: *Provided, however*, That this law shall not be so construed as to prevent any person from carrying arms openly, outside of all their clothes; and it shall be the duty of the Judges of the Circuit courts in this State to give the matter contained in this act in special charge to the Grand Juries in the several counties in this State, at every session of the courts.

SEC. 4. *Be it further enacted*, That all laws or parts of laws, so far as the same conflict with the foregoing section, be and the same are hereby repealed: *Provided, however*, That no conviction or sentence already rendered or pronounced under the acts referred to in the preceding sections, shall be in anywise affected by this act.

[Passed the House of Representatives, January 5, 1847. Passed the Senate, January 6, 1847. Approved, January 6, 1847.]

### CHAPTER 76.—[No. 6.]

AN ACT relative to Costs in Criminal cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That in all cases of a conviction for crimes or misdemeanors under the laws of this State, the costs of prosecution shall be included and entered up in the judgment rendered against the convicted person, unless the jury trying the cause expressly find otherwise. Costs of prosecution.

SEC. 2. *Be it further enacted*, That in all cases not capital, when it shall be made to appear from due proof made in open court, that the person convicted is wholly unable to pay costs, and that the judgment has in other respects been complied with, the court before which such person was convicted shall have power to discharge him or her without the payment of costs. When party unable to pay costs.

SEC. 3. *Be it further enacted*, That no defendant in a criminal prosecution who shall be acquitted or discharged therefrom, shall be liable for any costs or fees of the court, or of any Justice of the Peace, or any ministerial officer, or for any charge of subsistence while detained in custody. When defendant not liable for costs.

[Passed the House of Representatives, December 19, 1846. Passed the Senate, December 26, 1846. Approved, December 29, 1846.]

### CHAPTER 77.—[No. 7.]

AN ACT to amend the several acts relative to proceedings in Chancery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall be the duty of the defendant, unless the time shall be otherwise enlarged for cause shown by a Judge of the court, upon motion for that purpose, to file his plea, demurrer or answer to the bill in the Clerk's office, on the rule day next succeeding that of entering his Plea, demurrer, answer when filed.

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When bill taken pro confesso.

appearance; in default thereof, the plaintiff may at his election enter an order (as of course) in the order book, that the bill be taken pro confesso; and thereupon, the cause shall be proceeded in ex-parte, and the matter of the bill may be decreed by the court at the next ensuing term thereof accordingly, if the same can be done without an answer and is proper to be decreed; or the plaintiff, if he requires any discovery or answer to enable him to obtain a proper decree, shall be entitled to the process of attachment against the defendant to compel an answer, and the defendant shall not, when arrested upon such process, be discharged therefrom, unless upon filing his answer or otherwise complying with such order as the court or a Judge thereof may direct as to pleading to or fully answering the bill within a period to be fixed by the court or Judge, and undertaking to speed the cause. When the bill is taken pro confesso, the court may proceed to a decree at the next ensuing term thereof, and such a decree rendered shall be absolute, unless the court shall at the same term, set aside the same or enlarge the time for filing the answer for cause shown upon motion and affidavit of the defendant, and no such motion shall be granted unless upon the payment of costs of the plaintiff in the suit up to that time, or such part thereof as the court shall deem reasonable, and unless the defendant shall undertake to file his answer within such time as the court shall direct, and submit to such other terms as the court shall direct for the purpose of speeding the cause.

Attachment.

Decree.

How time for answering may be continued.

Notice of filing answer, &c., how given.

SEC. 2. *Be it further enacted*, That rules to plead, answer, reply or setting the cause for hearing, shall be entered in the chancery order book, and notice of the filing of every answer, plea, demurrer, replication or other paper, shall be served upon the opposite party or his solicitor, if residing within twenty miles of the court house in the proper county, or if residing at a greater distance by addressing said notice by mail, proof of which shall be required by affidavit or the certificate of the Post Master in the place where the same shall be mailed.

Lien of decree.

SEC. 3. *Be it further enacted*, A decree for money shall be a lien upon the lands and tenements of the party against whom it is entered, to the same extent and under the same limitations as a judgment at law, and every such decree shall be docketed in the same manner as judgments at law.

Appeal by admr's & ex'rs.

SEC. 4. *Be it further enacted*, That the thirtieth section of the act to regulate proceedings in chancery, approved seventh March, eighteen hundred and twenty-eight, (1828,) shall not apply to executors or administrators, so as to require them to give security in cases of appeal.

Rehearing.

SEC. 5. *Be it further enacted*, That a petition for re-hearing presented within thirty days from the time of pronouncing the decree, shall stay all proceedings thereon, but the same shall not operate as a stay for a longer period than thirty days, unless bond be given with good and sufficient security, as in cases of appeal, conditioned for the payment of all damages and costs which may accrue by such



delay, the penalty of which shall be fixed by the Judge of said court, to whom said petition for re-hearing may be presented.

SEC. 6. *Be it further enacted*, That the fifteenth, twenty-third and thirty-fourth sections of an act to regulate proceedings in chancery, approved November seventh, eighteen hundred and twenty-eight, and all laws and parts of laws inconsistent herewith, are hereby repealed. Repeal.

[Passed the Senate, 1st January, 1847. Passed the House of Representatives, 5th January, 1847. Approved, 6th January, 1847.]

### CHAPTER 78.—[No. 8.]

AN ACT to provide for taking testimony in Chancery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter, testimony in suits in Chancery now pending or hereafter to be commenced in the several courts of this State, may be taken in the same manner and under the same rules and regulations as are now, or hereafter may be prescribed for taking testimony in suits at law: *Provided*, That no party to a suit in Chancery shall be allowed (unless by consent of parties) to introduce a witness or witnesses for the purpose of taking his, her, or their testimony orally in open court, unless notice in writing of the intention to introduce such witness or witnesses shall have been given to the opposite party or parties, or his, her or their attorney or attorneys, at least ten days previous to the first day of the term of said court at which it is proposed to introduce such witness or witnesses. How taken.  
Oral testimony

[Passed the House of Representatives, December 18, 1846. Passed the Senate, December 26, 1846. Approved, December 29, 1846.]

### CHAPTER 79.—[No. 9.]

AN ACT to amend an act entitled "an act to organize the Supreme court of the State of Florida," and to annul certain rules adopted by said court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Supreme court of this State shall have power to abolish, alter, or amend, or add to the rules adopted at the last session of said court for the regulation of the practice therein, and of the practice in the Circuit courts of this State, whenever to said Supreme court it may seem expedient and proper: *Provided*, That no alteration or amendment of, or addition to the rules adopted as aforesaid, shall have any force and effect, unless the same shall be entered in full upon the records of said Supreme court, and published in the manner prescribed in the fifth section of the act to which this is an amendment; and it shall be the duty of the Attorney General of this State Rules of practice.  
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to have any such alteration or amendment of, or addition to said rules published with the laws which may be passed at the session of the General Assembly next succeeding the term of said Supreme court, at which such alteration, amendment, or addition shall be made.

SEC. 2. *Be it further enacted*, That the twenty-third and twenty-fourth rules adopted by said Supreme court at the last session thereof, for the government of the Circuit courts of this State, so far as the same adopt the rules of practice of the Court of King's Bench, and the High Court of Chancery in England, be and the same are hereby annulled and declared void: *Provided*, That the said Supreme court shall have power to adopt such of the rules of the said Court of King's Bench, and High Court of Chancery, not inconsistent with the constitution and laws of this State for the regulation of the practice in said Supreme court and said Circuit courts, as to the said Supreme court may seem convenient or proper, if the same shall be entered on the record of said Supreme court, and published in the manner prescribed in the first section of this act.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after the fifteenth day of February next.

[Passed House of Representatives, December 21, 1846. Passed the Senate, December 26, 1846. Approved, January 6, 1847.]

## CHAPTER 80.—[No. 10.]

AN ACT to regulate the time of holding Courts in the Eastern Circuit of Florida.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, the terms of the Circuit court for the several counties in the Eastern Circuit of Florida, shall be held at the following times and places:

### SPRING TERMS.

For the counties of Orange and St. Lucie, at the Court House at Mellonville, on the third Tuesday of April.

For the county of Marion, at Ocala, on the fourth Monday of April.  
For the counties of Alachua and Levy, at Newnansville, on the first Monday of May.

For the county of Columbia, at Alligator, on the second Monday of May.

For the county of Nassau, at Nassau Court House, Wednesday before the fourth Monday of May.

For the county of Duval, at Jacksonville, fourth Monday of May.

For the county of St. Johns, at St. Augustine, on the second Monday of June.

### FALL TERMS.

For the counties of Orange and St. Lucie, on the Tuesday before the first Monday of November, at Mellonville.



For the county of Nassau, on Thursday before the third Monday of November, at Nassau C. H.

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For the county of Duval, on the third Monday of November, at Jacksonville.

For the county of Marion, on the first Monday of December, at Ocala.

Fall Term.

For the counties of Alachua and Levy, on the second Monday of December, at Newnansville.

For the county of Columbia, at Alligator, on the third Monday of December.

For the county of St. Johns, at St. Augustine, on the first Monday of November.

[Passed the House of Representatives, December 31, 1846. Passed the Senate, January 5, 1847. Approved, January 6, 1847.]

## CHAPTER 81.—[No. 11.]

AN ACT to make certified copies of Records evidence.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That in all cases where any record, pleading, document, deed, conveyance, paper, or instrument of writing, is or may be required, or authorised to be filed, or recorded in any public office of this State, or of any county thereof, a copy thereof duly certified, under the hand and seal of office (if there be a seal of office, and if there be no seal of office, then under the private seal of the officer having the custody or control of the same,) to be a true and correct copy of the original on file or of record in his office, shall in all cases and in all courts and places, be admitted and received in evidence in the same manner, and with the like force and effect as the original thereof might or may be: *Provided always,* That nothing herein contained, shall be so construed, as to prevent any court or Judge before whom such copies may be offered in evidence, from requiring the party offering the same to produce or account for the original of such copy, if the same shall be deemed necessary or proper for the attainment of justice.

When copies evidence.

Effect of.

Original, when to be produced

[Passed Senate, December 2, 1846. Passed the House of Representatives, December 10, 1846. Approved, December 21, 1846.]

## CHAPTER 82.—[No. 12.]

AN ACT to amend the several acts concerning limitations of actions.

WHEREAS doubts have been suggested as to the true intent and meaning of the use of the terms "beyond seas or out of the country," used in the several acts of limitations heretofore or now of force in this State. For remedy whereof—

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To whom the  
phrase ex-  
tends.

*Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the saving in the act of November the tenth, one thousand eight hundred and twenty-eight, and all other acts of limitation in favor of persons "beyond the seas or out of the country," until such persons shall have returned from beyond the seas, or from without the country, shall not be held, deemed or taken to extend to persons who were not at the time of the making of the contract, or accruing of the cause of action, domiciliated or resident within the limits of this State; but all such persons shall be put upon the same footing, and shall have no other or greater rights than are possessed by residents and citizens of the State.

[Passed Senate, January 1, 1847. Passed the House of Representatives, January 5, 1847. Approved, January 6, 1847.]

### CHAPTER 83.—[No. 13.]

#### AN ACT concerning Grand and Petit Jurors.

*SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Sheriffs in each and every county within this State, shall obtain bi-ennially, a list of all the house-holders within the same, to serve as jurors taken from the tax list, or which may otherwise come to his knowledge; and it shall also be the duty of the County Commissioners in each and every county, at their first meeting after such list shall have been returned, to examine the list so returned by the Sheriff, and add to it such name or names as each of them may know of, subject to serve as jurors; and it shall be the duty of said board of County Commissioners to select from the list aforesaid, the names of such persons as may be adjudged competent to discharge the duties of Grand and Petit Jurors with honesty, impartiality and intelligence.

*SEC. 2. Be it further enacted,* That the board of County Commissioners in making selection as aforesaid, shall select such persons only as they know, or have good reason to believe are possessed of the qualifications aforesaid, and are esteemed in the community for their integrity, fair character, and sound judgment.

*SEC. 3. Be it further enacted,* That no person under the age of twenty-one years, or above the age of sixty, nor any person continually sick, nor any habitual drunkard, shall be summoned on the jury.

*SEC. 4. Be it further enacted,* That it shall be the duty of the Judge of Probate, so soon as the list of jurors is completed, agreeable to the provisions of this act, to furnish the Clerk of the Circuit Court with the list, and shall bi-ennially thereafter, as soon as may be after the said list has been examined and corrected, furnish the said Clerk of the Circuit court with a list of those added to, or taken from the old list.

*SEC. 5. Be it further enacted,* That the Clerks of the Circuit courts in the several counties in this State, shall write the names of

the persons returned to them as qualified to serve as jurors, which shall be written on slips of paper and placed in one box, from which in presence of the Sheriff and Judge of Probate, or a Justice of the Peace, shall be drawn thirty-nine names; and the persons so drawn shall be summoned by the proper officer according to law.

SEC. 6. *Be it further enacted*, That it shall be the duty of the summoning officer, on the receipt of a writ of venire facias, to proceed to summon as jurors, without any distinction as to Grand or Petit, all the persons therein contained, and shall make his return thereon to the Clerk of said court, at least three days before the sitting of the court to which the said jurors are summoned.

SEC. 7. *Be it further enacted*, That the Clerk of each Circuit court shall, when each name of a juror is drawn from one box, put it into the other, and so continue from one term to another, until the whole number is drawn from one box and passed into the other, alternately.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Sheriff, as soon as the court is open, to call aloud at the door of the Court House, the whole of the jurors summoned to attend; and the names of all that are present shall be taken down by the Clerk of the court, on slips of paper of equal size, and put into a hat or box, and the fifteen first drawn shall compose the Grand Jury, and the balance remaining undrawn shall be the Petit Jury.

SEC. 9. *Be it further enacted*, That if there should be a failure to summon jurors, the court may direct a venire facias to issue, returnable immediately, and shall direct the summoning of thirty-nine jurors, who shall be chosen as aforesaid; the first fifteen selected to serve as Grand Jurors and the remainder as Petit Jurors.

SEC. 10. *Be it further enacted*, That every person who shall fail to attend when lawfully summoned to appear as a Grand or Petit Juror as aforesaid, without having a reasonable excuse, shall be considered as guilty of a contempt, and shall be fined by the courts respectively, in any sum not less than five nor more than fifty dollars, for the use of the State, unless good cause be shown for such default at or before the next term of such court, at which or any subsequent term, the court shall proceed to assess said fine, unless the person or persons so summoned and failing to attend as aforesaid, shall appear and show good cause for such delinquency: *Provided*, That the oath or affirmation of any such delinquent shall at all times be received as competent evidence in his favor.

SEC. 11. *Be it further enacted* That the court may discharge a person from serving as a juror who does not possess the requisite qualifications, or who is exempt or disqualified for such service, or for any reasonable and proper cause, to be judged of by the court.

SEC. 12. *Be it further enacted*, That when by reason of challenges, or otherwise, a sufficient number of jurors, duly drawn and summoned, cannot be obtained for the trial of any cause, civil or criminal, or for the execution of a writ of enquiry, the court shall cause jurors to be summoned from the by-standers, or from the coun-

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Number of  
names to be  
drawn.

Summon and  
return.

How names of  
to be drawn.

Grand Jury

Petit Jury

Failure to  
summon jurors

Penalty for  
failure to obey  
summons as  
juror.

Oath of delin-  
quent.

Who Court  
may discharge

Talisman.



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Custody of  
boxes.

How paid for.

Repeal.

ty at large, to complete the panel, who shall possess the same qualifications as prescribed in the provisions of this act.

SEC. 13. *Be it further enacted*, That the boxes required to be provided by the several Clerks of the Circuit courts, for the safe keeping of ballots containing the names of jurors as aforesaid, shall be secured with sufficient locks, to which no person but the respective Clerks shall have access, and such locks, together with the boxes, shall be paid for by the county Treasurer.

SEC. 14. *Be it further enacted*, That all laws now in force in this State, inconsistent with the provisions of this act, be and the same are hereby repealed.

[Passed the Senate, January 6, 1847. Passed the House of Representatives, January 6, 1847. Approved, January 6, 1847.]

## CHAPTER 84.—[No. 14.]

General Law in respect to Corporations.

### DIVISION I. TOWNS.

How to pro-  
ceed to incor-  
porate.Notice of  
meeting.How vote ta-  
ken.Number ne-  
cessary to in-  
corporate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened*, That whenever the white male residents of lawful age, of any town in this State, having not less than one hundred inhabitants, shall wish to be incorporated, for the better regulation of their internal police, it shall be lawful for the said residents who may have resided six months therein, or who shall be the owner of any freehold property therein, to assemble themselves together in public meeting, at the court house or other place in said town, and when so assembled, they may proceed to choose a President and Clerk of the meeting from among their number, both of whom shall be sworn or affirmed by any person authorised to administer oaths, faithfully to discharge the trust reposed in them as President and Clerk of said meeting : *Provided, however*, That at least ten days notice of the time and place of holding such meeting, shall have been previously given, by advertising in some newspaper of the town, or by setting up written notices, in at least three of the most public places in such town.

SEC. 2. *Be it further enacted*, The residents aforesaid of any town, having assembled as directed in the first section of this division, may proceed to decide by vote viva voce, whether they will be incorporated or not ; and the President or Clerk after their votes are given in, shall certify under their hands, the number of votes in favor of being incorporated, and the number against being incorporated ; and if it shall appear that a majority of the voters present are in favor of being incorporated, the President and Clerk shall deliver a certificate of the state of the polls to the board of trustees, to be elected as hereinafter provided.

SEC. 3. *Be it further enacted*, Whenever the qualified voters of any town shall have decided in the manner herein provided, that they wish to be incorporated, it shall be the duty of the Clerk of the

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meeting at which they may so decide, to give at least five days previous public notice to the said voters, to assemble at the court house or some other public place in such town, on a day to be named in such notice, to elect by ballot vote, five residents and freeholders of such town for trustees of the same, who shall hold their offices for one year, and until other trustees are chosen and qualified; at which first election, the President and Clerk of the first meeting shall preside; or in case of the absence of either of them, some suitable person shall be appointed by the electors present to fill such vacancy; and at every succeeding election for President and trustees, the preceding board of trustees shall direct the manner in which the same shall be conducted.

Trustees, how elected.

Term of office.

Who to preside at election of.

SEC. 4. *Be it further enacted*, The board of trustees of any town elected agreeably to the provisions of this division, shall choose a President out of their own body; and the president and trustees aforesaid, and their successors in office, shall thenceforth be considered in law and equity, a body corporate and politic, by the name and style of "the President and Trustees of the town of \_\_\_\_\_," and by such name and style shall be forever able and capable in law and equity to sue and be sued, and to plead and be impleaded, to answer and be answered unto, defend, and be defended, in all manner of suits, actions, complaints, pleas, causes, matters, and demands, of whatever kind or nature they may be, in as full and effectual a manner, as any person or persons, bodies corporate or politic, can or may do; and may have a common seal, and may alter the same at pleasure; the said president or trustees shall require their clerk to keep a fair journal and record of all their proceedings, and record all by-laws and ordinances which they may make, in a book to be provided for that purpose.

President.

Name &amp; style.

May sue and be sued.

Seal.

Journal and record of by-laws and ordinances.

SEC. 5. *Be it further enacted*, The President and trustees, or a majority of them, of any town incorporated as herein directed, shall have power to make, ordain and establish, and execute such ordinances in writing, not inconsistent with the laws or the constitution of this State, as they shall deem necessary to prevent and remove nuisances, to restrain and prohibit gambling, or other disorderly conduct, and to prevent the running of and indecent exhibitions of horses within the bounds of such town; to provide for licensing public shows, bars and restaurants, billiard tables and nine or ten pin alleys; to regulate and establish markets; to sink and keep in repair public wells; to keep open and in repair the streets and alleys of such town by making pavements or side walks, as to them may seem needful: *Provided, always*, That the lot in front of which any side walk is made, shall be taxed to pay at least one half of the expenses of making such side walk. The said president and trustees shall also have power to provide such means as they may deem necessary to protect such town from injuries by fires. And for the purpose of carrying the aforesaid powers into effect, the said president and trustees shall have power to define the boundaries of said town: *Provided*, That the same shall not exceed one mile square; and to levy and collect

Powers of President &amp; Trustees.

Side walks.

Fines.

Boundaries of.

Taxes.

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annually a tax on all the real estate in such town, not exceeding fifty cents on every hundred dollars of assessment valuation thereof.

Duty & powers of, to keep streets in repair.

SEC. 6. *Be it further enacted*, It shall be the duty of the said president and trustees to cause all the streets and alleys of such town, and all the public roads passing from and through such town for one mile from the centre thereof, to be kept in good repair; and to this end, they are authorised to require every male resident of such town, over the age of eighteen and under forty-five years, to labor in said streets, alleys and roads, not more than eight days in each and every year—and if such labor shall be insufficient, to appropriate so much of the tax levied on real estate as may be necessary to keep the said streets, alleys and roads in repair; and also to appoint, and prescribe the duty of all such officers for such town as they may deem necessary to carry into effect the foregoing powers. The collectors of the corporation tax and the treasurer shall severally give bond, made payable to the president and trustees and their successors in office, with good and sufficient securities, in such sum as may by said president and trustees be deemed advisable, and a clause shall be inserted, that if at any time additional security be required, the same shall be given—the conditions of which bonds shall be, that the officer shall faithfully perform the duties of his office; and said officers shall remain in office one year, (unless sooner removed,) and until others shall be appointed and shall have given bonds.

May appoint officers for the town.

Bonds of.

Term of office.

Term of office of President & Trustees.

Notice of new election.

Vacancies.

Quorum.

SEC. 7. *Be it further enacted*, The said trustees and president, elected under this division, shall continue in office one year, and until their successors shall be elected and qualified; and it shall be their duty before their time expires, to give at least ten days public notice to the qualified voters under this division, to meet at such place as they may name in such town, and elect a new board of president and trustees for such town; and all vacancies which may happen in such board by resignation or otherwise, before their term of office expires shall be filled by the other members of the said board. The proceedings of said board shall always be public—and all their ordinances before taking effect, shall be posted for the space of ten days in three of the most public places in such town. A majority of said board shall constitute a quorum.

How moneys appropriated.

SEC. 8. *Be it further enacted*, All monies arising from the collection of taxes, fines, penalties and forfeitures, shall be appropriated by said president and trustees towards the erecting, improving and regulating those objects which are placed under their control and jurisdiction, and to none others; and it shall be their duty to have an account current of the fiscal concerns of the corporation so kept, as will at all times show the true situation of the same to such as may desire to inspect the same: And the said president and trustees shall have full power to enforce their ordinances by authorising the person or persons, by them appointed to collect any tax imposed in pursuance of this division, to collect the same by distress and sale of goods and chattels of the person chargeable with the same, on giving at least thirty days public notice of the time and place of such sale; and if no goods and chattels of the person chargeable with said tax,

Account current.

Distress and sale.



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can be found, it shall be lawful to sell any town lot owned by such person, or so much thereof as will pay the tax due and in arrear from any such person, upon giving, at least thirty days notice of the time and place of making such sale, paying to the owner or owners, the surplus, if any. The president and trustees may impose fines for the breach of their ordinances, but no fine shall be inflicted on any one person for any one breach of any ordinance of more than five dollars, which fine may be recovered before any Justice of the Peace by action of debt, in the name of the president and trustees of such town, and collected by execution as other judgments of Justices of the Peace. All fines collected in pursuance of this division, shall, by the officer collecting the same, be paid over to the treasury of the corporation; and for an omission so to do, such officer may be proceeded against by the president and trustees, in an action of debt for the same.

Fines.

How recovered.

To whom paid when collected.

SEC. 9. *Be it further enacted*, Two-thirds of the qualified voters of any town, incorporated according to the provisions of this division, shall have power to dissolve the same, at any annual election for president and trustees, by voting against the incorporation, as is directed in the second section of this division.

How may be dissolved.

SEC. 10. *Be it further enacted*, Whenever a president and trustees shall be elected for any town as herein directed, it shall be the duty of the president and clerk of the first meeting provided for in the first section of this division, to deliver to them a certified statement in writing, of the polls at said first meeting; and it shall be the duty of such president and trustees to deposit the same with the Clerk of the County Commissioners' court of the proper county, to be entered on record in his office; and before entering upon their duty, to take an oath to discharge this duty according to their best abilities.

Statement of the polls at first meeting to be recorded.

Oath.

SEC. 11. *Be it further enacted*, The president and trustees of towns incorporated by virtue of the provisions of this division, shall have power to appoint a town constable, and authorise him to execute all writs, process and precepts which may be issued against persons for the violation of the laws of the corporation, and to arrest, on view, all persons who may violate such laws, and to collect all fines, forfeitures and penalties which may be assessed or recovered, for the use of the corporation, and to require bond and security of said constable in such sum as they may think proper.

Town Constable.

Duties.

Bond.

SEC. 12. *Be it further enacted*, The said president and trustees are also vested with power to declare what shall be considered a nuisance within the limits of the corporation, and to provide for the abatement or removal thereof; also, to regulate the speed which horses and other animals may be rode or driven within the limits of the corporation.

Nuisances.

Rapid riding.

SEC. 13. *Be it further enacted*, The president and trustees aforesaid are further authorised to provide for the punishment of offenders by imprisonment in the county jails, in all cases where such offenders shall fail or refuse to pay fines which may be assessed, or for forfeitures, or penalties which may be recovered: *Provided*, That no person shall be imprisoned under the provisions of this section for a longer

When may imprison.

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period than twelve hours for every five dollars of any fine assessed or forfeiture or penalty recovered.

Horses running at large. SEC. 14. *Be it further enacted*, That said president and trustees are also authorised to adopt such laws as they may deem necessary, in respect to leaving horses unfastened in the streets of said town; also to provide for the punishment of persons who may at any time disturb the peace of the inhabitants of the town, or disturb any public meeting therein.

Fees. SEC. 15. *Be it further enacted*, The said president and trustees shall also have power to regulate the fees and compensation of all officers of the corporation.

Effect of incorporation under this act. SEC. 16. *Be it further enacted*, Whenever any town shall be incorporated under the provisions of this division, all other laws incorporating the same, or made to regulate in any way the internal police of such town, shall be considered as repealed; and whenever any town corporation shall be dissolved according to this division, all persons having any funds belonging to such corporation in their hands, shall pay the same into the county treasury; and all bonds and securities taken for the same, by such corporation, shall vest in the County Commissioners for the use of such county, who may have and maintain any proceedings thereon in law and equity which might have been had by the said corporation.

Duty of person laying out town. SEC. 17. *Be it further enacted*, Whenever any County Commissioners or other person or persons wish to lay out a town in this State, or an addition or sub-division of out lots, said commissioners, or other person or persons, shall cause the same to be surveyed, and a plat or map thereof made by the county surveyor, if there be any of the county in which said town or addition is situated, but if there be no county surveyor in the county, then and in that case by any competent surveyor, which plat or map shall particularly describe and set forth all the streets, alleys, commons or public grounds, and all in and out lots, or fractional lots, within, adjoining or adjacent to said town, giving the names, widths, corners, boundaries and extent of all such streets and alleys.

Lots to be numbered. SEC. 18. *Be it further enacted*, All the in-lots intended for sale, shall be numbered in progressive numbers, or by the squares in which they are situated, and their precise length and width shall be stated on said plat or map; and all the out-lots which shall not exceed ten acres in size, shall in like manner be surveyed and numbered, and their precise length and width stated on the plat or map, with any streets, alleys or roads which shall divide or border on the same.

Corner-posts. SEC. 19. *Be it further enacted*, The County Commissioners, proprietor or proprietors of the town, addition, or subdivision of out-lots, by themselves or agent, shall at the time of surveying and laying out the same, plant and fix at a corner of the public ground, or at the corner of a public lot, if any there be, and if there be none, then at the corner of some of the in-lots in the town, and at the corner of each outlot a good and sufficient stone or light-wood post, of such size and dimensions, and in such manner as the surveyor shall direct, for a corner from which to make future surveys; and the point or



points where the same may be found shall be designated on the map or plat.

SEC. 20. *Be it further enacted*, The plat or map, after having been completed, shall be certified by the surveyor and county commissioners, and sworn to by some one of them as being a true and correct map and plat of survey of the same, and said map or plat and jurat to the same shall be recorded in the office of the clerk of the proper county. Map recorded.

SEC. 21. *Be it further enacted*, That the land intended to be for streets, alleys, ways, commons, or other public uses, in any town, or city, or addition thereto, shall be held in the corporate name thereof, in trust to and for the uses and purposes set forth and expressed or intended. Streets, &c.,  
held in trust.

## DIVISION II. ACADEMIES.

SEC. 22. *Be it further enacted*, When five or more persons shall associate themselves together, for the purpose of forming an academy or seminary of learning, in their neighborhood, and shall acquire by gift, grant, or purchase any lots or lands, not exceeding one hundred and sixty acres, and shall build a house thereon for the purposes of education, it shall be lawful for them to apply to the board of County Commissioners of the county in which the land so acquired may be situated, to receive the legal title to said land, and hold it in trust for them until the persons so associated shall become qualified as a body corporate to receive the same, in the manner and mode hereinafter provided for. How lands  
for held.

SEC. 23. *Be it further enacted*, It shall be lawful for the persons associated together for the purposes named in the preceding section, or a majority of them, to meet at some public place in the neighborhood of the intended academy or seminary of learning, after giving ten days notice thereof, by advertisement set up at three public places in the vicinity, or by notice in some public newspaper printed in the county, and then and there proceed to the election of not less than five nor more than seven trustees, a majority of whom shall be capable of receiving a deed or deeds from the board of county commissioners in which the same may lie, for such lots or lands as may be held in trust for such association, under the provisions of the twenty-eighth section of this chapter. Trustees.

SEC. 24. *Be it further enacted*, The clerk who may have acted as such at the election of said trustees, shall, within ten days thereafter, deposit in the clerk's office of the county where such lands or lots may lie, a certificate of the election of said trustees, which shall be immediately recorded in some book in which deeds are recorded, and the lots or lands so deeded by the board of county commissioners aforesaid, shall vest in said trustees and their successors in office, for the sole use and benefit of said academy or seminary of learning forever, all the right and title to such lots or lands, for the purposes herein named, and no other. Election of  
trustees recor-  
ded.  
  
Lands convey-  
ed to.

SEC. 25. *Be it further enacted*, As soon as the clerk of the election shall deposit with the clerk of the county as aforesaid, a certi- What necessa-

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ry to incorpo-  
ration.May sue and  
be sued, &c.

Seal.

By-laws.

Lands shall be  
held in trust.

Stockholders.

Election of  
trustees.

Oath.

Vacancy.

May take and  
convey real &  
personal prop-  
erty.Application of  
funds.Of donation or  
bequest.

cate of said election, stating therein the name of the association, and for what object formed, and the names of the trustees elected; then and from that time, the said trustees and their successors in office shall be created and remain a body corporate and politic, and in the name and style assumed by them, shall remain in perpetual succession, with power to sue and be sued, to plead and be impleaded, to acquire, hold, and convey property, real and personal, to have and to use a common seal, to alter the same at pleasure, to make and alter from time to time such by-laws as they may deem necessary for the government and regulation of such academy and seminary of learning, its officers, servants, and property.

SEC. 26. *Be it further enacted*, The aforesaid trustees and their successors in office, shall have no power nor authority under this law, to sell or convey away any of the lots or lands deeded to them by the board of county commissioners, but the same shall be held in trust forever for the purposes for which said lots or lands were originally given, granted, or purchased, and for no other use or purpose whatever.

SEC. 27. *Be it further enacted*, The persons associated under the provisions of this division, shall be called and deemed stockholders, and from their number, after the first election and organization, shall elect annually; in such manner, mode, and time, as they may fix by law, not less than five nor more than seven trustees, who shall continue in office until their successors are duly elected and qualified; and before entering on the duties of their office, they shall take an oath before some Justice of the Peace, faithfully to perform the duties enjoined on them by this division, and by the laws of the association to which they belong; and should any vacancy occur in the board of trustees before the expiration of the year, either by death or resignation, the remaining members of the board shall be authorised to fill such vacancy from among the stockholders, which appointment shall hold and continue until the ensuing annual election.

SEC. 28. *Be it further enacted*, The trustees, when elected and qualified, and their successors in office, shall be competent in law or equity to take, or receive in their corporate name, and for and in behalf of the associated stockholders, any estate, real, personal or mixed, by the gift, grant, bargain and sale, conveyance, will, demise or bequest of any person or persons whatsoever—and the same estate, whether real, personal or mixed, to grant, bargain, sell, convey, demise or place at interest, or otherwise dispose of for the use and benefit of the academy or seminary whose interest they represent.

SEC. 29. *Be it further enacted*, Said trustees shall faithfully apply all funds collected, or the available proceeds thereof, in erecting, completing or repairing suitable buildings, paying suitable salaries to the necessary officers, instructors and servants, in procuring books, stationery, maps, charts, globes and apparatus necessary to be used in an academy or seminary of learning; and in case any donation, devise or bequest shall be made to any institution established under the provisions of this division, and the corporation to which the same shall be made shall accept the same, such donation, devise or be-



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quest shall be applied in conformity with the express conditions of the donor or devisor.

SEC. 30. *Be it further enacted*, At the time of the annual election of trustees, the stockholders in each corporation created under the provisions of this division, shall elect a treasurer, who shall, before he enters upon the duties of his office, give bond with approved security, to the trustees thereof, in such penal sum as they may require, for the faithful performance of the duties of his office, and who, for good cause, may be removed by the concurrent vote of two-thirds of the trustees; and in case of his death, removal, resignation, or refusal to serve, it shall be lawful for the trustees at any of their meetings, to appoint another treasurer in his stead, to remain in office until the expiration of the time for which his predecessor was elected.

Treasurer.

Bond.

Vacancy.

SEC. 31. *Be it further enacted*, On the payment of such sum as the stockholders in each corporation under the provisions of this division may ordain by their by-laws, every free white person shall be considered a stockholder, and be entitled to one vote; and it may be lawful for each and every stockholder for the time being, his executors, administrators, or assigns, to give, sell, devise and dispose of their respective rights or shares in such academy or seminary, and such devisee or purchaser shall be entitled to all the rights of the original holders.

Vote of stockholder.

Shares.

SEC. 32. *Be it further enacted*, The first board of trustees elected under the provisions hereof, shall, and they are hereby appointed commissioners, to solicit and receive subscriptions of stock to the corporation which they represent, and give receipts for the same, and pay the same over to the treasurer when elected and qualified; and said trustees, within six months from the time of their first election, shall give public notice in some newspaper of the county, if there be any, or in at least three public places in the neighborhood of the location of the academy or seminary, of the time and place of holding the election of trustees and treasurer; and said election shall be held between the hours of twelve M. and six P. M., and said trustees or any three of them, may act as judges of elections.

Subscription of stock.

Notice of election of trustees.

SEC. 33. *Be it further enacted*, Each stockholder shall be required at or before the second election of trustees, to pay five dollars on each share by him or her subscribed, and the residue at such time, and in such amounts as shall be required by the board of trustees, and if the instalments are not paid within six months from the time required, then the amount already paid by him or her, shall be forfeited to the corporation.

Payment of instalments.

SEC. 34. *Be it further enacted*, Any academy or seminary established under the provisions of this division, and in operation, shall at all times be open for the use and privilege of every free white person who may wish to be instructed therein, if such person will comply with the by-laws and regulations of the corporation, and pay such sum as the trustees may require for the instruction of students attending such academy or seminary; and every free white person who may at any time tender to the treasurer of the corporation the

Who may have use of Academy.

Who may be a stockholder.



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sum required by the by-laws to constitute a stockholder, shall be admitted as such, and receive from the treasurer a certificate of stock.

When an information shall be filed.

SEC. 35. *Be it further enacted*, If at any time any corporation created under this division, shall violate any of its provisions, it shall be the duty of the Attorney General when he may have knowledge thereof, to file an information in the nature of a *quo warranto*, for the purpose of vacating the same: *Provided*, In that case the trustees shall have the right of selling all the property, real and personal, belonging to such corporation, and after paying all its debts, the balance, if any, shall be distributed *pro rata* among the stockholders thereof.

Property belonging to, upon dissolution.

Failure to elect trustees at the appointed time.

SEC. 36. *Be it further enacted*, In case it should happen that an election of trustees should not be made on the day appointed by the by-laws of any corporation established by this division, such corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of trustees, in such manner as shall be prescribed by the by-laws and ordinances of such corporation.

Powers of the Corporation.

SEC. 37. *Be it further enacted*, All corporations created under the provisions of this division, may from time to time, prescribe and regulate the course of studies to be pursued in such institution, fix the ratio of tuition, appoint instructors, officers, and such assistants and agents as may be deemed necessary in managing its concerns; and to do all and every thing that may be fit and proper, for the purpose of promoting the cause of education, that is not inconsistent with the provisions hereof, or contrary to the constitution and laws of the United States and of this State.

### DIVISION III. RELIGIOUS SOCIETIES.

May hold land and make improvements thereon.

SEC. 38. *Be it further enacted*, It shall be lawful for the members of any society or congregation heretofore formed in this State for purposes of religious worship, and for members of any society or congregation which may hereafter be formed for the purpose aforesaid, to receive by gift, devise, or purchase, a quantity of land not exceeding ten acres, and to erect or build thereon such houses and buildings as they may deem necessary for the purposes aforesaid, and to make such other use of the land, and make such other improvements thereon, as may be deemed necessary for the comfort and convenience of such society or congregation; and such society or congregation may assume a name and elect or appoint any number of trustees not exceeding ten, who shall be styled trustees of such society or congregation, or wardens and vestrymen of such society or congregation, by the name assumed, and the title to the land purchased, and improvements made shall be vested in the trustees, by the name and style assumed as aforesaid.

Name.

No. of Trustees.

Title to land.

Certificates of persons elected trustees and name of society.

SEC. 39. *Be it further enacted*, Immediately after the election or appointment of trustees by any society or congregation as aforesaid, the persons elected or appointed shall make a certificate under their hands and seals, stating the date of their election or appoint-

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ment, the name of the society or congregation, and the length of time for which they were elected or appointed, which shall be verified by the affidavit of some one of the persons making the same, and shall be recorded in the office of the public records of the county in which such society or congregation may be formed; and the said trustees, by whatever title they may be designated, shall hold their office for and during the period stated in the certificate aforesaid. And at the expiration of their term of service, and forever thereafter, at the expiration of the term of service of any trustee elected or appointed as aforesaid, the said society or congregation shall elect or appoint successors, who in like manner shall continue in office for such period as may be limited by the society or congregation, and a certificate of their election or appointment shall be made by the trustees whose term of service shall have expired, which shall be verified by affidavit, and recorded as provided in the election or appointment of trustees in the first instance.

Term of office.

Certificate of the election of successors shall be recorded.

SEC. 40. *Be it further enacted,* The trustees elected or appointed under the provisions of this division, and their successors, shall have perpetual succession and existence, and the title to land herein authorised to be purchased, and to the buildings and improvements thereon, shall be vested in the said trustees by their assumed name, and their successors forever; and the same shall be held for the uses and purposes herein named, and no other; and such trustees shall be capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in all courts of law or equity whatsoever, in and by the name and style assumed as aforesaid, and shall have power under the direction of the society or congregation, to execute deeds and conveyances of and concerning the estate and property herein authorised to be held by such society or congregation; and such deeds or conveyances shall have the same effect as like deeds or conveyances made by natural persons. *Provided,* That no deed or conveyance shall be made of any estate held as aforesaid, so as to defeat or destroy the interest or effect of any grant, donation or bequest which may be made to any such society or congregation; but all grants, donations and bequests shall be appropriated and used as directed by the person or persons making the same.

Land purchase and improvements.

Powers and liabilities of Trustees.

Deeds by.

Donations and bequests.

SEC. 41. *Be it further enacted,* Every society or congregation formed as aforesaid, shall have power to provide for filling vacancies which may happen in the office of trustee, warden, vestryman, or other office of like nature; and also, to remove such persons from office, and to adopt such rules and regulations in relation to the duties of trustees and the management of its estate as to the members may seem proper, not inconsistent with the constitution and laws of this State, or of the United States.

Vacancies.

Removal and rules and regulations.

SEC. 42. *Be it further enacted,* Upon the dissolution of any society or congregation, formed under the provisions of this division, the estate and property of such society or congregation, shall revert back to the persons, their heirs and assigns, who may have given or contributed to the purchase of, or payment for the same, according to

Property of, upon dissolution of society.



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Failure to elect trustees at appointed time.

their respective rights. A failure to elect or appoint trustees or other officer, at any time, when by the provisions of this division such election or appointment should be had, shall not work a dissolution of the society, or congregation; but the trustees, wardens, or vestrymen last elected or appointed, shall be considered as in office until another election or appointment shall take place.

Real estate heretofore acquired & now held by.

SEC. 43. *Be it further enacted*, The provisions of this division shall be deemed and taken to apply to real estate heretofore acquired, and now held by religious societies or congregations, so as to vest such societies or congregations, or their trustees, with the rights and powers herein conferred over real estate hereafter acquired. *Provided*, That such rights and powers shall not be exercised until the provisions of this division shall have been complied with.

Those heretofore incorporated may organize anew under this act.

SEC. 44. *Be it further enacted*, It shall and may be lawful for any religious society or congregation, heretofore incorporated, to organize anew under the provisions of this division, and to have and retain all the rights, privileges and immunities with which they are vested; and they shall and may exercise the rights conferred in this division, of filing vacancies, and adopting rules and regulations, in the manner provided for in the 41st section of this law, notwithstanding any limitations or provisions in their respective charters contained.

#### DIVISION IV. LIBRARIES.

Libraries.

SEC. 45. *Be it further enacted*, Any number of persons not less than ten, who shall associate themselves together, and subscribe in the whole, not less than one hundred dollars, to form a library, may assemble together and elect not less than three of their number trustees, who shall take charge of their funds and property.

Debating or literary societies.

SEC. 46. *Be it further enacted*, Any debating or literary society may organize according to the provisions of this division, without having subscribed one hundred dollars, and may form their own constitution and by-laws, and regulate their own proceedings, without appointing trustees or any other than such officers as they may deem proper, and when so organized, shall receive all the benefits conferred by this division.

Extent of corporate privileges.

SEC. 47. *Be it further enacted*, The said associates shall be invested with corporate privileges to the same extent as religious societies.

Powers.

SEC. 48. *Be it further enacted*, They shall have power to make all necessary regulations and rules, and all by-laws not inconsistent with the laws of this State, and to admit so many associates, and on such terms as they may deem best, and may recover all fines and forfeitures by action of debt before any Justice of the Peace of the proper county, to their corporate use and behoof.

Fines

#### DIVISION V. FIRE COMPANIES.

SEC. 49. *Be it further enacted*, It shall be lawful for any number of what number of persons, resident within any town or corporation within this



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State, exceeding twelve persons, to form themselves into a company for the purpose of extinguishing fires, who, on having their names and subscriptions recorded in the clerk's office of the proper county, are hereby authorised to make such rules and regulations as to a majority of said company may seem proper and necessary, for the procuring of engines, buckets, hooks, ladders, and all implements necessary for working said engines and exercising the companies. *Provided*, No by-law shall be contrary to the laws of this State.

ber composed.

When may make rules and regulations.

SEC. 50. *Be it further enacted*, So soon as such persons shall have had their names recorded as aforesaid, they and their successors shall be, in law and fact, a body corporate and politic, to have continuance forever, by the name and style of "The Fire Company;" and by such corporate name and style, shall be forever able and capable, in law and equity, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in all manner of suits, actions, complaints, pleas, causes, matters and demands of whatever kind and nature they may be, in as full and effectual a manner as any person or persons, bodies corporate and politic may or can do.

When a corporate body.

Name.

Powers and liabilities.

SEC. 51. *Be it further enacted*, All fines and forfeitures for non-attendance or delinquency, imposed by the by-laws and regulations to be adopted by the companies provided for by this division, not exceeding twenty dollars, shall be recoverable by action of debt before any Justice of the Peace of the proper county, by the said company in their corporate capacity, which said fines and forfeitures shall be for the use of the company suing for the same.

Fines and forfeitures.

SEC. 52. *Be it further enacted*, All persons who shall form themselves into fire companies, not exceeding forty in each company, as provided in this division, shall be exempt from militia and high-way duty, during the time they belong to such company; and all persons who shall have served twelve years in succession in any such fire company, shall forever after be exempt from doing militia duty in this State, except in time of war.

When exempt from militia &amp; high way duty.

[Passed Senate, December 31, 1846. Passed the House of Representatives, January 5, 1847. Approved, January 6, 1847.]

## CHAPTER 85.—[No. 15.]

AN ACT in respect to keeping United States Prisoners in the Jails of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened*, It shall be the duty of the keeper of the Jails in every county within this State to receive into his custody, any prisoner or prisoners who may be from time to time, committed to his charge under the authority of the United States, and to keep safely, every such prisoner or prisoners according to the warrant or precept for such commitment, until

Jailors shall receive and keep U. States prisoners.

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he or they shall be discharged by due course of the laws of the United States.

Penalty for neglect or failure.

Fees and support of prisoners.

SEC. 2. *Be it further enacted*, That the keeper of every jail aforesaid, shall be subject to the same pains and penalties for any neglect or failure of duty herein, as he would be subject to by the laws of this State for the like neglect or failure, in the case of a prisoner committed under the authority of the said laws: *Provided, always*, That the United States do pay, or cause to be paid to the jailor, such fees as he would be entitled to for like services rendered in virtue of the existing laws of this State, during the time such prisoner shall be therein confined; and moreover, do support such of the said prisoners as shall be committed for offences.

[Passed the Senate, December 31, 1846. Passed the House of Representatives, January 4, 1847. Approved, January 5, 1847.]

### CHAPTER 86.—[No. 16.]

AN ACT to amend an act to organize the Militia of the State of Florida, approved, December 27, 1845.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That if any candidate shall wish to contest the election of a Major General or Brigadier General, he shall give at least thirty days notice to the person whose election is contested, which shall contain the facts expected to be proved, the names of the witnesses, and the time and place of taking the testimony, and the names of the officer or officers before whom such testimony will be taken; and it shall be the duty of the officer or officers before whom such testimony shall be taken, to seal up and transmit the same to the commander in chief if the election of a Major General is contested, and to the Major General if the election of a Brigadier General be contested: If the election of a Regimental or Battalion officer be contested, similar notice shall be given by the contestant to the person whose election is contested, and the evidence when taken, shall be sealed up and transmitted by the officer or officers taking the same, to the Brigadier General; and if the election of a company officer be contested, the person contesting shall give him whose election is contested, ten days notice, which shall be similar to the notice in the other cases, hereinbefore provided for; and it shall be the duty of the officer or officers taking the testimony in such cases, to seal up and transmit the same to the Colonel of the Regiment to which such company may belong.

How election of Maj. Gen. or Brig. General contested.

Of Regimental or Battalion officers.

Of Company officers.

How election of Major General tried.

SEC. 2. *Be it further enacted*, That the contested election of a Major General shall be heard and tried by a board of officers appointed by the commander in chief, which shall consist of one Major General, one Brigadier General, and three field officers, whose decision, when approved by the commander in chief, shall be final; and it shall be the duty of the commander in chief, if he approve



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the decision of said board, to commission the person found to be elected, or order another election agreeably to said decision.

SEC. 3. *Be it further enacted*, That when the election of a Brigadier General is contested, it shall be heard and tried by a board of officers appointed by the Major General, or officer commanding the Division to which such Brigade shall belong, which shall consist of a Brigadier General and four field officers, whose decision, when approved by the officer ordering the board, shall be final, and the person found to be elected shall be commissioned accordingly; but if said board should be unable to determine who was elected, a new election shall be ordered.

How election  
of Brig. Gen.  
tried.

SEC. 4. *Be it further enacted*, That the contested election of any Field officer shall be tried and determined by a board of officers, composed of the officer who ordered the election, and two field officers of some other regiment, whom he shall order to his assistance, who are not interested in the election; but either party shall have the right to appeal to the Major General, who, on such appeal, shall decide who was elected, and whose decision shall be final.

How election  
of Field Offi-  
cers tried.

Appeal.

SEC. 5. *Be it further enacted*, That when the election of a Captain, or first, or second Lieutenant may be contested, it shall be the duty of the Colonel of the Regiment to which such Captain or Lieutenant may belong, to order to his assistance his Lieutenant Colonel and Major, whose duty it shall be to hear and determine who was elected, and their decision shall be final.

How election  
of Officers of  
the Line tried.

SEC. 6. *Be it further enacted* That a Court of Inquiry shall be held by the commanding officer within twenty days after each muster, to hear and determine upon all excuses of delinquents; and all delinquents for either Company, Battalion, or Regimental musters who do not appear and render satisfactory excuses, shall be fined according to law, and on report of said court of inquiry, execution shall be issued by the Clerk of the court of inquiry for the fines assessed, and handed to the proper officer for collection: *Provided however*, That excuses may be rendered, under oath, to any commissioned officer of the company, to be laid by him before the said court of inquiry, and acted upon in the same manner as if the delinquent were personally present: *Provided, also*, That the person fined may, on good cause shown, and on giving satisfactory security for the payment of costs and the fine, should it not be remitted, take an appeal to the Regimental Court Martial.

Excuses.

Execution.

When excuses  
may be render-  
ed under oath.

Appeal.

SEC. 7. *Be it further enacted*, That the Cavalry of this State shall consist of volunteers in the territorial limits of each Division of Infantry, who shall hold themselves in constant readiness to march to any point in this State, to suppress insurrection or repel invasion; and a company shall consist of a Captain, two Lieutenants, one Cornet, four Sergeants, four Corporals, one Sadler, one Farrier, one Trumpeter, and not more than seventy-five privates.

Cavalry.

Of what a com-  
pany shall con-  
sist.

SEC. 8. *Be it further enacted*, That no company shall be received or recognized as a company, unless such company at its first inspection, shall consist of at least one captain, two lieutenants, one cornet, four sergeants, and twenty-four privates in full uniform, and each

No. Company  
shall consist of  
at first inspec-  
tion.



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Uniform.

When shall be dissolved.

Militia and patrol laws.

Drill exercise.

Repeal.

member fully equipped with a saddle, bridle, halter, martingales and spurs, and mounted on a serviceable and efficient horse ; the uniform to be submitted to, and approved by the Major General, or officer commanding the Division to which such company may belong ; and if at any subsequent inspection, any company of Cavalry shall not contain one captain, two lieutenants, one cornet, four sergeants, and twenty privates, fully equipped and mounted as above, and shall not recruit to the number of twenty-four privates within six months after notice to fill up its ranks, given to the commander of such company, then such company shall be dissolved, and the commissions of the officers vacated.

SEC. 9. *Be it further enacted*, That the Militia and Patrol laws of this State shall be published together, in pamphlet form, and furnished to each captain of Militia and Cavalry in the State.

SEC. 10. *Be it further enacted*, That the drill exercise of this State, shall be the same as that last adopted by the United States.

SEC. 11. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

[Passed the House of Representatives, December 31, 1846. Passed the Senate, January 6, 1847. Approved, January 6, 1847.]

## CHAPTER 87.—[No. 17.]

AN ACT to regulate Patrols within this State.

Who liable to patrol duty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That all persons subject to militia duty, shall be subject to do and perform all patrol duty which shall or may be required by the commanding officer of the company beat, or district in which the said persons reside.

Captains to designate patrol districts.

SEC. 2. *Be it further enacted*, That it shall be the duty of the captains or other officers in command of the several beat companies within this State, at their first company muster, to cause their respective beats to be divided into convenient patrol districts ; which divisions, when made, shall be permanent until the same shall be altered by a majority of the officers of said companies ; and in case the captain or officer in command of any beat company shall neglect to perform the duty herein required of him, he shall forfeit and pay the sum of thirty dollars, to be imposed by a court martial having jurisdiction for the trial of such officers.

Penalty of neglect.

Roll of each district.

Captain of the patrol.

SEC. 3. *Be it further enacted*, That it shall be the duty of the commanding officer of each and every beat company, to cause to be made out a roll for each patrol district, which shall include the names of all persons liable to patrol duty ; and to every patrol, the said commanding officer of the company shall appoint some prudent and discreet person as captain of said patrol district, and in case the commanding officer of the company shall fail to appoint such patrol, or

the captain of the patrol shall fail to perform the duties required of them, they shall respectively forfeit and pay a sum not exceeding thirty dollars, to be imposed by a court martial having jurisdiction for the trial of such officers.

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Penalty of failure to perform duty.

SEC. 4. *Be it further enacted*, That it shall be the duty of every captain of every patrol, at least as often as once a fortnight, to call out the patrol under his command, and to take up all slaves who may be found without the limits of their owner's plantation, and to correct all such slaves by a moderate whipping with a switch or cowhide, not exceeding twenty lashes, unless the said slave shall have a ticket or letter to show the cause of his or her absence, or shall have some white person in company to give an account of the business of such slave or slaves; and if any patrols shall beat or bruise any slave quietly and peaceably being on his or her master's plantation, or found any where without the same, with a lawful vessel, he or they shall forfeit and pay the sum of fifty dollars, to be recovered by the owner in any court having jurisdiction of the same, and to his use, by action of debt, besides being liable to the owner in an action of trespass for damages.

Duty of captain of the patrol.

Penalty of improperly beating a slave.

SEC. 5. *Be it further enacted*, That the said patrols in their respective divisions, shall have power, and they are hereby authorised and required to enter into any disorderly house, vessel or boat, suspected of harboring, trafficking or dealing with negroes, whether the same be occupied by white persons, free negroes, mulattoes or slaves, and to apprehend and correct all slaves found there, by whipping as hereinbefore directed; and the said patrols are moreover authorised and required to give information to a magistrate of such white persons, free negroes, or mulattoes as may be found in such house, vessel or boat, and to detain in their possession such produce or articles of traffic as may be found in such house, vessel or boat, until the same shall be recovered under the same rules and in the same manner as are prescribed in section twelve of this act, for the condemnation and sale of arms and other offensive weapons: And it shall be the duty of the owner of each vessel or boat navigating the rivers of this State, to keep and produce to the patrols who may demand it, a list of all the negroes composing the crew of said boat, with their owner's names, and a description of their persons; and each and every owner of vessels or boats navigating said rivers who shall refuse to comply with this act, shall be subject to a fine of twenty dollars.

Powers of the patrol.

Shall inform magistrate of white persons and free negroes.

Owner of boat to keep list of negroes.

SEC. 6. *Be it further enacted*, That the commander of every patrol shall have power to keep the men under his command in good order and demeanor during their term of service; and in case any member of the patrol shall misbehave, or neglect, or disobey the orders of his commander, or fail to perform the duty required of him, either in person or by substitute, he shall be subject to a fine of not less than two dollars, nor more than twenty dollars, to be imposed by a company court martial, if there be one, if not, by a Justice of the Peace.

Misbehavior or disobedience of commander of patrol.

SEC. 7. *Be it further enacted*, That if any captain of the patrol

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Disord'ly conduct by captain of patrol.

shall act disorderly while on duty, so as to defeat the execution of the patrol laws, he shall be liable to be returned by either of the members of his patrol, or other person competent to give evidence to the commanding officer of the beat, who shall return him to a court martial for trial; and upon sufficient evidence to convict him, such captain of a patrol shall be subject to a fine of not less than five dollars, nor exceeding fifty dollars, to be imposed by a company court martial, if there be one, if not, by a Justice of the Peace.

Returns by captains of patrol.

SEC. 8. *Be it further enacted*, That the captains of each patrol shall make a return of the performance of the duties of his office, to the officer commanding the beat company, at each and every company muster, under the penalty of twenty dollars, to be collected by a company court martial, if there be one, if not, by a Justice of the Peace.

Unlawful assembly of negroes, or free negroes.

SEC. 9. *Be it further enacted*, That all assemblies and congregations of slaves, free negroes and mulattoes, consisting of four or more, met together in a confined or secret place, is hereby declared to be an unlawful meeting, and the magistrates, sheriffs, militia officers and officers of the patrol, being commissioned, are hereby directed and required to enter into any such places, and for that purpose, to break open doors, windows, or gates if resisted, and disperse such slaves, free negroes or mulattoes as may be then and there found unlawfully together; and magistrates, sheriffs, constables, militia officers, or officers of the patrol, are hereby authorised to call unto their assistance, from the neighborhood, such force as he or they may judge necessary for the dispersing of such unlawful assembly of colored persons: *Provided*, That nothing herein contained shall be construed to authorise any person to break into or disturb any church or place of public worship, wherein shall be assembled the members of any religious society, a portion of whom shall be white persons, at any time before ten o'clock in the evening.

When magistrate to perform duties of captain of the beat.

SEC. 10. *Be it further enacted*, That whenever from any cause, any beat company, or district in this State, shall be without commissioned officers, it shall be the duty of any magistrate of the said district, on information of any of the inhabitants thereof, to issue patrol warrants in the same way and manner as company officers are required to do, to execute the patrol duties of the said beat or company; and the said magistrates shall cause return to be made of all defaulters to the next battalion court martial, to be dealt with according to law.

Fire arms found in possession of a slave.

SEC. 11. *Be it further enacted*, That all fire arms or other offensive weapons which may be found in the possession of any slave, shall be subject to be seized by any patrol, and be subject to condemnation and forfeiture to the use of the county; but before such fire arms or other offensive arms be condemned, the captain of the patrol who shall seize the same, shall within ten days after such seizure, deposit the same with a Justice of the Peace, who shall upon application of the owner of such slave, if made within the next ten days, hear cause, if any he may have, why such arms or offensive weapons shall not be sold; and if no cause be shown as before



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provided, such Justice of the Peace shall declare by certificate, such arms or weapons condemned, and the same shall be sold by the captain of the patrol, after giving ten days notice, and the proceeds thereof, after the payment of the costs of the proceedings, shall be paid into the county treasury.

SEC. 12. *Be it further enacted*, That every owner of any settled plantation, and not residing thereon, shall employ and keep on said plantation some white man, under the penalty of fifty cents per head, per month, for each and every working slave which may be on such plantation, to be recovered by indictment, one half to the informer, the other half to the use of the county.

Owner of plantation shall keep a white man thereon.

SEC. 13. *Be it further enacted*, That every person travelling in the performance of patrol duty, shall be, and he or they are hereby granted to pass free every toll bridge or ferry.

Exempt from toll and ferriage.

SEC. 14. *Be it further enacted*, That the power of regulating the patrols within the several incorporated towns of this State, be and the same is hereby vested in the municipal police of the said towns and villages, who are hereby vested with full powers to make all such ordinances relative to the times and manner of performing patrol duty, within the limits of the said towns and villages, as are necessary to preserve the peace, good order and safety of the same.

Patrols in towns.

SEC. 15. *Be it further enacted*, That all laws and parts of laws now in force in relation to patrols in this State, be and the same are hereby repealed.

Repeal.

[Passed Senate, January 1, 1847. Passed the House of Representatives, January 5, 1847. Approved, January 6, 1847.]

## CHAPTER 88.—[No. 18.]

AN ACT to amend an "act to raise a Revenue for the State of Florida, and defining the duties of the Assessors and Collectors thereof," approved July 24, 1845.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter, upon every hawker or pedler, there shall be assessed and collected a tax of forty dollars per annum for every county in which such hawker or pedler may offer goods for sale: *Provided*, That persons peddling books and charts only, be and they are hereby declared exempt from taxation.

Tax on pedlers.

SEC. 2. *Be it further enacted*, That whenever it shall become necessary or proper for any tax collector to sell land situated in this State, for the payment of taxes, and the said land shall be undivided so that the tax collector cannot designate, describe, or point out at the time of sale the location of the lot or portion of land offered for sale, it shall and may be lawful for him, after having given the notice required by the twenty-fourth section of the act to which this is an amendment, to offer for sale and to sell undivided interests in said land, in the same manner and in the same lots or quantities as prescribed in the said twenty-fourth section, and to make a deed or

How Tax Collector shall sell an undivided interest in land.

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deeds therefor, which shall have the same force and effect, and shall convey the same title as is provided in the twenty-sixth section of the act to which this is an amendment; and the said tax collector shall not be required to put the purchaser in possession of the land purchased under the provisions of this act.

[Passed the House of Representatives, January 5, 1847. Passed the Senate, January 6, 1847. Approved, January 6, 1847.]

### CHAPTER 89.—[No. 19.]

AN ACT to amend an act entitled, “An act for the protection of the Fisheries on the coast of Florida,” approved December 17, 1845.

*SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That* in lieu of the sum of three hundred dollars for licenses required by the fifth section of said act, the following shall be the rates to be paid for licenses before issued to any vessel, boat, smack, or other craft, belonging to a citizen of the United States, viz: on any vessel of five tons and under, twenty dollars; over five and not exceeding ten tons, forty dollars; over ten and not exceeding fifteen tons, seventy dollars; over fifteen and not exceeding twenty tons, one hundred dollars; over twenty and not exceeding twenty-five tons, one hundred and fifty dollars; over twenty-five and not exceeding thirty tons, one hundred and seventy-five dollars; over thirty tons, two hundred dollars; and on all vessels belonging to the citizens of a foreign nation, three hundred dollars.

Tax on vessels  
belonging to  
citizens U. S.

To foreigners.

Onus of proof.

*SEC. 2. Be it further enacted, That* in all seizures and prosecutions under the act to which this is an amendment, where any vessel, boat, smack, or other craft, is alleged to belong to a citizen of the State of Florida, or to a citizen of any other State of the United States, the burthen of proving said allegation shall be thrown on the owner or master thereof.

[Passed the House of Representatives, December 23, 1846. Passed the Senate, January 1, 1847. Approved by the Governor, January 6, 1847.]

### CHAPTER 90.—[No. 20.]

AN ACT to exempt from the payment of Capitation Tax, certain persons therein named.

*SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That* all white men over the age of fifty years, and all idiotic or insane persons, be and they are hereby exempt from the payment of capitation tax in this State.

Persons ex-  
empt.

Ministers of  
the Gospel.

*SEC. 2. Be it further enacted, That* all ordained Ministers of the Gospel, who are actually engaged in the ministry, be and they are hereby exempt from the payment of capitation tax.

[Passed the Senate, December 10, 1846. Passed the House of Representatives, December 22, 1846. Approved, December 28, 1846.]

CHAPTER 91.—[No. 21.]

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AN ACT more particularly to define who are Retailers of Spirituous Liquors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That any person who shall hereafter sell any quantity of spirituous liquors, and the same shall be drunk in the house or houses where the same shall have been sold, without first having obtained a retail license for retailing spirituous liquors, he or they are hereby declared retailers of spirituous liquors, and shall be subject to the same tax and penalties as other retailers are by law. Who are Retailers of spirituous liquors.

SEC. 2. *Be it further enacted,* That nothing contained in the preceding section of this act, shall be so construed as to prevent any person from selling spirituous liquors in quantity of one quart or upwards, without retail license, when the same is not drank in the house or houses where the same may be sold. When license not necessary.

[Passed the Senate, December 23, 1846. Passed the House of Representatives, December 23, 1846. Approved, January 1, 1847.]

CHAPTER 92.—[No. 22.]

AN ACT to allow Tax Assessors to administer Oaths in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage and approval of this act, it shall be lawful for the Tax Assessors in the several Counties of this State to administer the oath required to be taken and made by the 14th section of an act entitled "An act to raise a Revenue for the State of Florida, and defining the duties of the Assessors and Collectors thereof," approved July 24th, 1845, and in all other cases where it may become necessary or proper in the discharge of the duties of their office to administer an oath. In what cases may administer oath.

[Passed House of Representatives, December 17, 1846. Passed the Senate, December 22, 1846. Approved, December 28, 1846.]

CHAPTER 93.—[No. 23.]

AN ACT in relation to Seminary and School Lands, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Register of Public Lands be substituted as successor in office to the Trustees of Seminary Lands. Register.

SEC. 2. *Be it further enacted,* That the said Register shall have charge of all lands granted to the State for Seminaries of Learning, with power to protect the same from waste, intrusion or trespass, and to rent, lease, or sell all or any part thereof as he may deem most for the interest of the Seminary Fund. Shall protect and rent or sell lands.



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Powers & duties over 16th Sections.

Arrears of rent and trespass.

Minimum for seminary lands

Notice & place of sale.

Terms of sale.

Title deed.

Penalty of default in payment of instalment.

Re-sale.

Discount for cash.

When lands may be sold at private sale.

SEC. 3. *Be it further enacted*, That the said Register shall have and exercise the same powers over all School Lands, or Sixteenth Sections, or other lands in lieu thereof, granted to the State for the support of Public Schools in the several Townships, where such Township may be uninhabited, or where the inhabitants have failed or shall fail to do so within six months from the passage of this act, to appoint Trustees to take charge of the same as now authorized by law, and shall have power to collect all arrears of rent, and to demand and recover for past use and occupation of, or for waste, intrusion or trespass, upon all or any of said lands, and for this purpose shall succeed to all the rights, powers and privileges heretofore vested in the Sheriffs of the several Counties: *Provided*, A separate account shall be kept by the Register with each Township in relation to lands.

SEC. 4. *Be it further enacted*, That previous to offering any of the Seminary Lands for sale, the said Register shall cause each tract or body of land to be appraised, by fit and proper persons, in eighths of sections, and shall affix thereto a minimum price or value, below which the same shall not be sold: *Provided*, That the said Register shall, upon good and sufficient cause at any time, have the power and right to alter the said minimum.

SEC. 5. *Be it further enacted*, That all Seminary Lands shall be first offered at public auction after three months notice in one or more newspapers, (one, if there be one, in the county where the land lies,) and the said sale shall be made within the usual hours and at the usual place for Sheriffs sales of the County; and the terms of sale shall be as follows: One-fourth of the purchase money in cash, and the other three-fourths in three equal annual instalments, with interest from the date of sale, payable annually in advance; and the purchaser shall receive a certificate of the payment made, with a description of the land; which certificate may be transferred by endorsement, and upon payment of the whole of the purchase money, the purchaser, his heirs and assigns, shall receive from the Register of Public Lands a title deed, conveying said lands in fee simple for ever: but upon default in the payment of any credit instalment, or interest, for the space of sixty days after the same is due, the purchaser, his heirs and assigns shall forfeit the sum or sums previously paid, and the said lands shall be re-sold, at his or their risk, upon such terms as will meet the payments called for and remaining due from the original sale; of which re-sale the like public notice shall be given as is required at the first sale, and if any purchaser shall prefer to pay up the whole price in cash, he shall be entitled to a discount of five per cent. on the credit instalments.

SEC. 6. *Be it further enacted*, That after any lands shall have been so offered at public sale, and remain unsold, they shall thereafter be subject to private sale at the same rates: *Provided*, That whenever the minimum price of any tract shall have been reduced, such land shall be again advertised and offered at public auction before the same shall be subject to private sale.

SEC. 7. *Be it further enacted*, That the said Register, jointly with

the Governor, shall have power to fix the compensation to be allowed to persons employed to select lands for the use of Seminaries of Learning, or in lieu of Sixteenth Sections, and also to fix and approve the compensation of persons employed to preserve the lands under their charge from trespass or waste, or to perform any other duty touching the renting, leasing or selling any of said lands.

SEC. 8. *Be it further enacted*, That the said Register be, and he is hereby, authorized and empowered to apply the rents arising from these lands, the moneys received from the General Government for the purposes of education, or arising from the principal or interest of sales of any of said lands, for the purpose of defraying the expenses of selecting Seminary or School Lands: *Provided*, That if any part of the principal arising either from the five per cent. fund, or from the sale of lands, shall be so used and applied in the first instance, the same shall be hereafter restored out of future rents and interest, so as to preserve the principal of the Seminary and School funds each entire in its amount.

SEC. 9. *Be it further enacted*, That the said Register shall also, so far as the same may be necessary, use any monies in hand to meet the expense of selecting the lands granted by Congress to this State for other purposes, and the sums so advanced and used shall be charged to and constitute a lien upon the lands so selected for other objects; and the same, together with interests, shall be hereafter restored to the appropriate fund out of the first proceeds of such or other lands, whether arising from the sales or rents thereof.

SEC. 10. *Be it further enacted*, That all surplus monies beyond the expenditures hereby authorized, shall be forthwith invested by the Register of Public Lands in any stock of the United States bearing interest, for the benefit of the proper fund to which the same belongs.

SEC. 11. *Be it further enacted*, That the said Register shall report to the General Assembly, at each stated meeting, the state of the several funds, and the condition and disposition of the lands under his charge, with such suggestions as he believes will promote the interests of the State in this behalf.

SEC. 12. *Be it further enacted*, That the nett proceeds of all escheated estates shall be, and are hereby, set apart to be invested and applied in like manner as other funds are hereby directed to be held and applied, to the purposes of public education.

SEC. 13. *Be it further enacted* That all laws, which conflict with the provisions of this act, be and are hereby repealed.

SEC. 14. *Be it further enacted*, That no sale of said lands shall take place without the advice and concurrence of the Governor previously obtained, and the Governor shall, so far as the same shall be in his power, supervise the proceedings of the Register relative to all said lands.

[Passed the House of Representatives, December 29, 1846. Passed the Senate, January 6, 1847. Approved, January 6, 1847.]



1846.

## CHAPTER 94.—[No. 24.]

AN ACT to provide for the sale of the Lands granted to the State for the purpose of Internal Improvement.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Register of Public Lands for the State of Florida be, and he is hereby authorised and directed, at as early a day as practicable, and afterwards, whenever he may think it advisable, to offer for sale and sell so much, and such of the lands granted to the State by the General Government for the purpose of Internal Improvement, as he shall deem most saleable and most advantageous to the State to dispose of.

When & what  
lands may be  
sold.

Notice of sale.

SEC. 2. *Be it further enacted,* That the Register, previous to any such sale, shall by publication for the space of six months, in one or more newspapers published in the cities of Tallahassee, St. Augustine and Pensacola, and in such papers of the adjoining States as he may think proper, give a notice thereof containing a description of the land to be offered for sale, and the time, place and terms of such sale.

Place & man-  
ner of sale.

Terms.

SEC. 3. *Be it further enacted,* That all such sales shall be made at the Court House of the county in which the lands offered may be situated, and at public auction to the highest bidder over the minimum herein expressed, and upon the following terms and conditions herein expressed, to wit:—One fourth of the purchase money to be paid in cash at the time of sale, an additional one fourth at the expiration of one year therefrom, and the balance being secured by the bond of the purchaser, on a credit of four years from the day of sale, with interest at the rate of six per centum, payable annually in advance; and that in default in the payment of any instalment of principal or interest for the space of sixty days after the same shall have become due, the lands sold to the person so in default, shall revert to the State, and the Register on its behalf, by himself or agent, may and shall enter upon and take possession of the same, and after giving at least six months notice thereof, in such newspaper or newspapers nearest to said lands as he shall deem proper, and also causing notice thereof to be posted up in three of the most public places in the county where said lands are situated, shall resell the same at the risk of the defaulting purchaser, requiring the amount then due, and to become due from the original purchaser, to be paid in cash, and the balance, if any, upon similar credits and conditions as were given at the original sale.

When lands  
shall revert to  
State.

When & how  
may be re-sold.

Certificate.

SEC. 4. *Be it further enacted,* That upon the last payment on account of the purchase money, and of each instalment of principal or interest, the Register shall, if required, give a certificate thereof specifying therein the land on account of which the payment was made, which shall be transferable by assignment; but which shall become void in whosoever hands the same may be, upon a failure or default in the payment of any subsequent instalment for the space of sixty days after the same shall become due. And when the whole of the principal and interest of the purchase money has been paid, and not

When deeds  
may be made  
to purchaser.



before, the Register shall execute and deliver to the purchaser or purchasers, his or their heirs, executors, administrators or assignees, proper deed or deeds of conveyance of the land purchased and paid for.

SEC. 5. *Be it further enacted*, That no part of the land belonging to the Internal Improvement fund shall be sold for less than two dollars and fifty cents for the first quality; one dollar and fifty cents for the second quality; and one dollar for the third quality per acre; the classification of which shall be determined by the Register from the returns of the locating agents, or personal inspection, and notice given of the classification of the land upon the day of sale; nor shall more than three hundred and twenty acres, nor less than forty acres be offered in one lot, and where any of said lands offered at public sale, shall fail to bring so much, the same shall again be offered for sale under the same rules and upon the same terms and conditions as if they never had been so offered.

*Minimum.*

Quantity offered in one lot.

Lands failing to bring minimum price.

SEC. 6. *Be it further enacted*, That at each sale, the Register may, if in his opinion the interest of the State would be promoted thereby, make one bid for and on behalf of the State; and it shall be unlawful for the Register, by himself or others, to bid for himself, or be in any way directly or indirectly interested in the purchase of the lands offered for sale, and that every such bid or purchase for himself shall be utterly void.

One bid reserved for State.

Register shall not be a purchaser.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Register, after reserving enough to pay the current expenses of locating, selling, and managing the lands, to invest the balance of the money arising from the sale of said lands, and the interest thereof, as soon as possible after the same shall be received by him, in any stock of the government of the United States.

Investment of proceeds.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Register to make annually to the General Assembly, a full report of the quantity of land sold, of the money received from sales, and how the same has been expended, and invested, and the amount due on the bonds of purchasers.

Report.

[Passed the Senate, 29th December, 1846. Passed the House of Representatives, January 1, 1847. Approved, January 6, 1847.]

## CHAPTER 95.—[No. 25.]

AN ACT directing the late Sheriff of St. Lucie county, to collect arrears of Taxes assessed for the years 1845 and 1846.

WHEREAS the Assessor of Taxes in the county of St. Lucie, for the years eighteen hundred and forty-five and eighteen hundred and forty-six, failed to give his bond and qualify according to law:

Preamble.

AND WHEREAS a Sheriff, who is ex-officio a Tax Collector, was not elected in and for the county of St. Lucie on the first Monday in October, eighteen hundred and forty-six:

AND WHEREAS William D. Ward, the duly commissioned Sheriff

1846.

Preamble.

and Tax Collector of the said county of St. Lucie, under the Territorial government, and at the time of the admission of Florida into the Union as a State, under and by virtue of the schedule and ordinance of the constitution of the State, did continue to hold and exercise the duties and privileges of the office of Sheriff of said county, and as such, did give his bond as Assessor of the taxes, and did proceed to assess and collect the taxes of the said county of St. Lucie, for the years eighteen hundred and forty-five and eighteen hundred and forty-six, as directed by the Revenue Act of this State :

AND WHEREAS the taxes assessed by the said William D. Ward, on the lands lying in the said county and liable to taxation, have not in many cases, been paid, but the payment thereof refused and resisted because of a doubt of the right of the said William D. Ward to collect the same :—

What taxes he shall collect.

*Be it therefore enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That William D. Ward, Sheriff and ex-officio Tax Collector of the taxes of St. Lucie county, for the years eighteen hundred and forty-five and eighteen hundred and forty-six, be and hereby is authorised, empowered and directed to proceed forthwith to collect all arrears of taxes legally assessed by him for the years eighteen hundred and forty-five and eighteen hundred and forty-six, and to make levy and sale when necessary and proper: Provided, however, That such levy and sale shall in each and every case, be made in accordance with the provisions of an act, entitled, an act to raise a revenue for the State of Florida, and defining the duties of the assessors and collectors thereof, approved, July 24th, eighteen hundred and forty-five.*

[Passed the House of Representatives, December 27, 1846. Passed the Senate, January 5, 1847. Approved, January 6, 1846.]

#### CHAPTER 96.—[No. 26.]

AN ACT in relation to the duties of the Clerk of the Circuit Court, acting for the counties of Orange and St. Lucie.

May keep records at his residence.

*SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That from and after the passage of this act, it shall and may be lawful for the Clerk of the Circuit court for the counties of Orange and St. Lucie, to keep the records and other books and papers belonging to his office, at his own residence in Orange county, except when the Circuit court of said county shall be in session: Provided, He shall not reside at a greater distance than five miles from the Court House of Orange county.*

[Passed the House of Representatives, December 9, 1846. Passed the Senate, December 15, 1846. Approved, December 21, 1846.]



## CHAPTER 97.—[No. 27.]

1846.

AN ACT to provide for the re-establishment of the Records of the county of Columbia, and for other purposes.

WHEREAS, on the first day November last, the Court House, public offices and records of the county of Columbia, were destroyed by fire, therefore,

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That it shall and may be lawful for any person or persons, whose titles deeds, bonds, mortgages, conveyances, receipts or other papers required by law to be recorded, and which have been of record in the county of Columbia, and lost or destroyed by the fire on the first day of November last, who shall produce a paper writing, purporting to be a copy, or as near a copy of the original paper so lost or destroyed as aforesaid, with full or circumstantial proof of the substance thereof, and of his, her, or their title thereto, and shall file the same in the office of the Clerk of the Circuit court, or recording officer for said county, and shall serve on the opposite party a copy thereof, or notify by advertisement in a newspaper published in the Eastern Circuit, for the space of three months, that such person or persons intends to establish such titles, deed, bond, mortgage, conveyance, receipt or other paper required by law to be recorded, then it shall and may be lawful, in case no sufficient objection shall be made, for the Circuit court for said county, at its first session after giving such notice, to establish the title and right of such person or persons, and admit again to record such papers as aforesaid: *Provided,* That nothing in this section contained, shall be so construed as to prohibit the re-recording of any paper required by law to be recorded, upon presentation of the original, with the Clerk's certificate of record thereon.

How to establish, and have records, deeds, mortgages, &c.

SEC. 2. *Be it further enacted,* That to re-establish records of marks and brands lost or destroyed as aforesaid, the person or persons making application, shall take and subscribe an oath, (or affirmation) before the Clerk of the Circuit court or recording officer of said county, stating the particular mark and brand recorded, and so lost or destroyed, and as near as may be, the time when the same was recorded; which oath shall be taken in writing, and recorded in the office of the Clerk or recording officer.

Marks and Brands.

SEC. 3. *Be it further enacted,* That to re-establish records of marriages which have been lost, or destroyed as aforesaid, any person or persons making application, shall take and subscribe an oath, (or affirmation) before the Clerk of the Circuit court, or recorder of said county, stating the name of the person to whom married, the name and office of the person who administered the marriage ceremony, the office from which the license was issued, the name and authority of the officer issuing the same, and as near as may be, the date of such license, and when executed; which oath (or affirmation) shall be taken in writing and recorded in the office of the Clerk or recorder.

Marriage licenses.



1846.

Wills, letters  
testamentary,  
of administra-  
tion, &c.

SEC. 4. *Be it further enacted*, That to re-establish any will, letter testamentary, of administration, of guardianship, assignment of dower, or any paper or papers, or instruments of writing in any way connected with the administration of the estate of any decedent, or the administration of guardians, which have been recorded, or required by law to be recorded, and which have been lost or destroyed by the fire as aforesaid, the applicant shall produce the original, or a paper writing purporting to be a copy, or as near a copy of the original paper or papers so lost or destroyed, with full or circumstantial proof of the substance thereof, and if his, her or their intention to re-establish such lost paper or papers aforesaid, and shall notify the opposite party or parties in the manner provided in the first section of this act, at the first term of the Circuit court thereafter, (if no sufficient objection be made,) such paper or papers so lost or destroyed, shall be re-established and again admitted to record.

Judgments &  
decrees.

SEC. 5. *Be it further enacted*, That in all cases where judgments at law or decrees in chancery had been recorded or entered in the County, Superior, or Circuit courts of said county, the evidence of which shall have been destroyed in the manner aforesaid, it shall and may be lawful for the plaintiff or party interested therein, to file his, her, or their certain petition, upon oath, stating the facts in such case, which said petition shall be filed four months previous to any term of the Circuit court for said county, and a copy thereof shall be served in the same manner as other legal process, at least ninety days before any term as aforesaid, at which any action upon the same shall take place, upon the party defendant, his, her or their representatives, if residents of this State.

When party  
resides in the  
State.

When he re-  
sides out of  
State.

SEC. 6. *Be it further enacted*, That whenever it shall be made to appear, by affidavit, to the Judge of the Circuit court, that any party or parties defendant, his, her or their legal representatives, reside beyond the limits of this State, it shall and may be lawful for said Judge to order a hearing on the facts charged in said petition, and thereupon to pass an order in the same manner as though said party defendant or defendants had appeared, and were present in court: *Provided*, That a copy of the said order for the hearing be published in some newspaper in said Circuit for the term of three months, or such longer time as the said Judge shall direct.

Answer, when  
filed.

SEC. 7. *Be it further enacted*, That the answer of said party or parties defendant, shall be filed within sixty days from the date of the service of a copy of said petition, or in case of publication of an order for hearing, shall be filed at least thirty days before the day fixed for a hearing of the same.

Summary pro-  
ceedings to es-  
tablish judg-  
ment or de-  
cree.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Judge of said court, upon due return of a copy of said petition, with proof of the same having been served, or publication made in the manner required by the foregoing sections, to hear the said petition, upon the petition and answer, or petition and evidence adduced if there be no answer, and summary proceedings shall thereupon be had to establish such judgment or decree, in such manner as the court may direct; and the judgment or decree which may thereupon

Force of de-  
cree.

be rendered by the said court, shall be deemed as re-establishing such judgment or decree to all intents and purposes as the same existed at the date of the destruction of said Court House and records.

SEC. 9. *Be it further enacted*, That all proceedings and matters pending and undecided in said court, and all instruments in writing pertaining thereto, may be re-established in the manner prescribed by law in reference to lost papers, or in such manner as the court may specially direct.

[Passed the Senate, January 1, 1847. Passed the House of Representatives, January 2, 1847. Approved, January 6, 1847.]

### CHAPTER 98.—[No. 28.]

AN ACT to make permanent the Election Precincts in the county of Columbia, and to provide for the transmission of the Poll Books to the Judge of Probate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida, in General Assembly convened*, That from and after the passage of this act, all elections (other than military elections) shall be held at the following places in Columbia county, to wit: At King's Store, at the house of Shubael Burns, at Alligator, at the Lower Mineral Springs, at Columbus, at the house of Moses Edwards (near New Troy,) at the house of William Carver, at Santa Fee, at Ellisville, at Fort Call, at the house of Charles McKinney, at New River at the house of Joshua Platt on New River, at the house of Benjamin Cowart's place, on the Oulusthy, at Lewis Lanier's place on the South prong of St. Marys, at the house of James M. Burnside on Cedar creek, at the house of William Johns on the Middle prong of the St. Mary's river, under such rules and regulations as are or may be provided by law for the holding of elections.

SEC. 2. *Be it further enacted*, That immediately after the holding of an election at any of the Precincts above mentioned, one of the Inspectors (to be determined by lot) shall carry the returns of said election to the Judge of Probate for said county, (provided they are not militia elections) for which he shall be entitled to receive one dollar per day for the time actually engaged in going and returning, to be paid on the Judge of Probate's certificate out of the county funds.

SEC. 3. *Be it further enacted*, That all laws and parts of laws militating against the intent and meaning of this act, be, and the same are hereby repealed.

[Passed the House of Representatives, December 22, 1846. Passed the Senate, December 26, 1846. Approved, January 1, 1847.]



1846.

## CHAPTER 99.—[No. 29.]

AN ACT to extend the time of making Election Returns in Monroe and Dade Counties.

Further time for carrying and poll book and canvassing. *SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That hereafter the managers of any election in the counties of Monroe and Dade, shall have the further time of ten days in addition to the time now prescribed by law, to carry the Poll Book and certificates of any election to the Judge of Probate's office, and that the Judge of Probate shall have in said counties the further time of twelve days in addition to the time now prescribed by law, to canvass and count the votes of any election returns made to him.*

[Passed the House of Representatives December 16, 1846. Passed Senate, December 21, 1846. Approved, December 25, 1846.]

## CHAPTER 100.—[No. 30.]

AN ACT to amend an act concerning Roads and Highways now in force in this State.

Road tax. *SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Judge of Probate and Board of County Commissioners in Duval county, when assembled for county purposes, in the year 1847, and every year thereafter, shall have power to assess a road tax, provided the same shall, in no instance, exceed two dollars per annum, for each and every person subject to road duty.*

How collected. *SEC. 2. Be it further enacted, That said road tax, or so much thereof as may be necessary to keep the roads and bridges within the county of Duval in repair, shall, when occasion requires it, be collected under the direction of the Road Commissioners; and the person or persons appointed to collect the same, shall receive, as compensation for his or their services, five per cent. upon the amount by him or them collected.*

Compensation for collecting. *SEC. 3. Be it further enacted, That any person shall have the right to commute his road tax by supplying laborers to work on the roads, or by his personal services as a laborer, at such amount per day as may be determined by the said Road Commissioners; and the overseers of the roads shall give certificates of the labor thus supplied, which shall be received by the collector of the road tax in lieu of money.*

To be paid into County Treasury. *SEC. 4. Be it further enacted, That the tax collected by virtue of this act, shall be paid into the county treasury, and be subject to the order of the Road Commissioners of said county; which tax shall be applied exclusively to the making and repairing of roads and bridges, and the said Treasurer shall receive for his services two and a half per cent. for receiving and disbursing the same.*

Application of. *SEC. 5. Be it further enacted, That the property of the citizens of said county subject to road duty, shall be liable for said tax; and the*

What property liable for, and



collector of the same may, upon the refusal of any person to pay his road tax, and to work on the roads, levy upon any property possessed by such person in said county, or so much thereof as may be necessary, and proceed to sell the same, after giving public notice in the same manner, and under the same regulations, as are prescribed in cases for the collection of the State tax.

SEC. 6. *Be it further enacted*, That whenever a petition shall be presented to the said Judge of Probate and Board of County Commissioners, signed by three householders, inhabitants of the county, praying for the establishment of a neighborhood or settlement road, from a certain place therein specified, it shall be the duty of the said Judge of Probate and Board of County Commissioners, thereupon, if the petition shall appear reasonable, to appoint not less than two Commissioners, to proceed, as soon as may be convenient, to lay out said road, and make return thereof, under their hand, to the Judge of Probate and Board of County Commissioners, noting the distance and courses, as near as practicable, of such proposed route, which return shall be filed in the office of the President of the Board of County Commissioners; and the applicants for the proposed route, together with as many other persons residing within the immediate vicinity of the said route, shall be permitted by the Road Commissioners to expend their road tax upon the same.

SEC. 7. *Be it further enacted*, That so much of the law now in force in this State, in relation to Roads and Highways, as conflicts with this act, shall be inoperative within the limits of Duval county.

SEC. 8. *Be it further enacted*, That all free negroes in this State, summoned to work on any of the roads of this State, who shall neglect or refuse to perform their road duty, shall, in addition to the penalties now in force, in respect to default in road duty, be imprisoned for a period double the time required of them for road duty, upon the return of such default made to any Justice of the Peace; the expense of their detention to be paid by the county, if the defaulter is unable to pay the same.

SEC. 9. *Be it further enacted*, That so much of the "Act concerning Roads and Highways" as requires one of the Road Commissioners to be a Justice of the Peace, and all parts of the same inconsistent with the foregoing provisions, be repealed.

[Passed House of Representatives, December 30, 1846. Passed the Senate, January 3, 1847. Approved, January 5, 1847.]

## CHAPTER 101.—[No. 31.]

AN ACT to repeal an act therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That an act entitled, "an act to incorporate the town of Ochesee," passed February the third, and approved February ninth, A. D. 1832, be and the same is hereby repealed.

1846.

SEC. 2. *Be it further enacted*, That all laws and parts of laws conflicting with this law, be and the same are hereby repealed.

[Passed the House of Representatives, December 28, 1846. Passed Senate, January 1, 1847. Approved, January 4, 1847.]

## CHAPTER 102.—[No. 32.]

AN ACT amendatory to the several acts incorporating the city of Apalachicola.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, it shall not be lawful for the Mayor of the city of Apalachicola to receive any salary, unless the City Council shall vote him a salary, in which case he shall not be allowed more than two hundred and fifty dollars per annum, and that all laws conflicting with this section, be and the same are hereby repealed.

Salary of mayor or.

When office of mayor or aldermen vacated.

SEC. 2. *Be it further enacted*, That in case of the absence of the Mayor, or any one of the Aldermen, for and during the term of three months, their said office of Mayor and Alderman shall be vacated, and a new election shall be held to fill said vacancy as is provided for by law in other cases.

A creditor not eligible.

SEC. 3. *Be it further enacted*, That no person who may be a creditor of said City, shall be eligible to the office of Mayor or Alderman, so long as he may be such creditor; nor shall it be lawful for either the Mayor or any one of the Aldermen to become public contractors for any work to be done for said City, during the term he shall be such Mayor or Alderman.

Work done for city.

Taxes.

SEC. 4. *Be it further enacted*, That said Mayor and Alderman shall not be allowed to collect a larger amount of taxes for any one year, than one quarter of one per cent. on the assessed value of real, personal, and mixed property, nor shall said property be assessed at a higher valuation than the real cash value of said property, as near as may be: *Provided*, That the said one quarter of one per cent. be sufficient to pay the taxes necessary to defray the current expenses of said city, and the interest on the debt due by said corporation; and that nothing in this section shall prevent the Mayor and Aldermen from levying a tax upon retailers of spirituous liquors, keepers of nine and ten pin alleys, billiard tables, and public drays within said corporation.

Borrowing money.

SEC. 5. *Be it further enacted*, That all laws or parts of laws giving or in any wise conferring upon the Mayor and Aldermen the right to borrow money, be and the same are hereby repealed.

Repeal.

SEC. 6. *Be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act, be and the same are hereby repealed.

[Passed the Senate, December 29, 1846. Passed the House of Representatives, January 5, 1847. Approved, January 6, 1847.]



## CHAPTER 103.—[No. 33.]

1846.

AN ACT to amend an act, entitled, an act to incorporate the City of Key West, approved, 11th February, 1838.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the white inhabitants of that part of the island of Key West, comprehended within the limits of the city of Key West, as designated by the plan or map of said city, now on file in the Clerk's office in the county of Monroe, (excepting that part at present, or that may hereafter be occupied by the United States for military or naval purposes) be, and the same are hereby constituted a body corporate, by the name and style of the CITY OF KEY WEST; and by said corporate name may sue and be sued, plead, and be impleaded, grant and receive donations, purchase and hold real, mixed, and personal property, and dispose of the same for the benefit of said city; and do all the acts, possess all the rights, liberties and privileges that a corporation, body politic, or natural person may do, or possess; and may have and use a corporate seal, which may be altered at pleasure.

Corporate name.

Powers.

SEC. 2. *Be it further enacted,* That the government of said city shall be vested in a Common Council, consisting of a Mayor and four Aldermen, and such other necessary officers as the said Mayor and Aldermen may appoint, all of whom shall hold their offices, unless removed therefrom in the manner provided, for the term of one year, and until their successors are qualified.

Government of in whom vested.

Term of office.

SEC. 3. *Be it further enacted,* That the annual election for Mayor and Aldermen shall be held on the first Monday of December of each year, at such places as the Common Council may appoint, and the votes shall be given by ballot. All free white male citizens of the United States, who are over twenty one years of age, who shall have resided within the limits of said city twelve months next preceding the day of election, and who shall have paid all legal taxes due said city, shall have a right to vote at elections for Mayor and Aldermen authorised by this act.

Election of mayor and aldermen.

Voters.

SEC. 4. *Be it further enacted,* That it shall be the duty of the Mayor of said city, to order an election for Mayor and Aldermen, and appoint judges thereof, at least five days previous to the day designated for the annual election; and if the Mayor shall neglect to order and advertise such election, it shall be the duty of the clerk of the Common Council to do so; and in case of the neglect of the clerk, or should there be no clerk, it shall be lawful for the citizens of said city, who may be qualified to vote for members of the said Common Council, to assemble on the day above designated for the annual elections, at any convenient place in said city, appoint judges of the election, and then proceed to elect a Mayor and four Aldermen; the Mayor and Aldermen so elected, shall immediately enter upon the discharge of their official duties. If from a refusal to serve by any member elect, or by the occurrence of an equality of votes given, or other causes, the Mayor and Aldermen, or either of them do not

Ordering of election.

When another election shall be held.



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Returns of election.

enter upon the duties of their office, the corporation for that cause shall not become void, but another election shall take place within five days thereafter; and it is hereby made the duty of all judges of elections acting under this charter, to make returns in writing of the result of elections, to be deposited and recorded in the archives of the corporation.

Meetings.

SEC. 5. *Be it further enacted*, That the meetings of the said Common Council shall be public, and shall be held at such places, and at such times as the majority of the Council shall think proper; the Mayor and at least two Aldermen shall constitute a quorum for the transaction of business; in case of the absence or inability of the Mayor, the Aldermen shall appoint one of their own number as President of the Council, who during said absence or inability, shall exercise all the power and authority conferred on the Mayor by this act.

Vacancy when and how filled.

SEC. 6. *Be it further enacted*, That on the death, resignation, or removal from the city of any member, or in case of the absence of any member from the meetings of the Council for more than two months without leave, it shall be the duty of the Mayor or President of the Council, to order an election to fill such vacancies, within five days, in the manner prescribed in the fourth section.

Powers &amp; duties of mayor.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Mayor of said city, to see that the ordinances of the Council are faithfully executed, to recommend for appointment all necessary city officers, and to recommend their removal, whenever by neglect or misconduct the interest of the city may require it; he shall preside at all meetings of the Council, and be entitled to the casting vote; he shall recommend such measures as he may think important to the public interest; he shall have power to convene the Council at extra sessions; shall be judge of the infractions of the city ordinances, and adjudge fines and penalties for the same.

Powers &amp; duties of Common Council.

SEC. 8. *Be it further enacted*, That the Common Council of said city shall have power and authority to prevent and remove nuisances; to regulate and establish streets, squares, and fences in said city; to establish and regulate markets, and provide for the safe keeping of standard weights and measures; to provide safe storage for gun powder, and to encourage efficient fire companies; to regulate and fix the assize of bread; to prohibit all sorts of gambling; to license, tax, or restrain billiard tables, nine or ten pin alleys, and other public games, shows, or amusements; to license, tax, or restrain keepers of bars, groghops, and retailers of spirituous liquors; tax hawkers and pedlers, and transient traders, retailers of dry goods, commission merchants, auctioneers, lawyers, and doctors; to appoint and license weighers, gaugers, and measurers; to appoint and regulate a strong and efficient night police; to punish or remove vagrants; to establish quarantine regulations for the preservation of the health of said city, (not incompatible with the laws of the State) to tax pleasure carriages, carts and drays; to tax slaves resident in said city; to tax sales at auction; to tax real estate, to be estimated by appraisers under oath; to assess and collect a poll tax on every white

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male over twenty-one years of age, and on every free colored male over twenty-one years of age, resident in said city; to tax, restrain, or destroy all dogs, hogs, or goats roaming at large in said city; the said Council shall have power to pass all ordinances and laws necessary and proper to carry the powers and provisions of this act into effect, and to provide for the internal police, peace, and good order of said city; to establish by-laws for the proper transaction of business, and to compel the attendance of members; it shall have and exercise a general control over the public cemeteries and burying grounds used by the inhabitants of said city.

SEC. 9. *Be it further enacted*, That all taxes shall be assessed annually for the said city, and taxes once assessed shall be considered as a debt due said city, and may be collected as such at any time within five years; it shall be the duty of the Common Council to publish an account current quarter-yearly, showing the whole amount of taxes collected, and the whole amount of expenditures for the year preceding.

Taxes.

Account current to be published quarter-yearly.

SEC. 10. *Be it further enacted*, That all laws and ordinances of the Common Council, shall be signed by the Mayor and Clerk, and published in a newspaper, or posted up at three public places in the city, at least five days before they shall be enforced.

By whom laws to be signed, and when in force.

SEC. 11. *Be it further enacted*, That when any work shall be required to be performed on the streets, squares, and public enclosures belonging to the said city, the same shall be exposed at public outcry, and the lowest bidder, who shall give proper security for the performance of such work, shall be declared the contractor for the same.

Public work.

SEC. 12. *Be it further enacted*, That this act shall not be in force until after it shall have been submitted to the citizens of Key West at the ballot box, and if rejected, not to be in force.

When this act to be in force.

SEC. 13. *Be it further enacted*, That the election under this act shall be held in the city of Key West, on the first Monday in May next, and after that time as is provided for under this act.

Election under this act.

SEC. 14. *Be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Repeal.

[Passed the House of Representatives, December 29, 1846. Passed the Senate, January 5, 1847. Approved, January 6, 1847.]

#### CHAPTER 104.—[No. 34.]

AN ACT to amend the several acts heretofore passed, relative to the migration of free persons of color into this State, so far as relates to the Island of Key West.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That it shall not be lawful for any captain, master or owner of any vessel or boat, to bring into the Island of Key West, any free negro or free



1846.

Penalty.

Vessel liable  
for fine.When Judge  
of Probate to  
impose fine.

Shipwrecked.

Repeal.

mulatto; and any captain, master or owner of any vessel or boat that shall convey any free negro or free mulatto into the Island of Key West, shall be subject to a fine of one hundred dollars for every such colored free person so brought into the Island of Key West; and the Mayor of the city of Key West is hereby authorised to impose the fine, and if necessary, issue execution for the collection of the same in every instance where he may have satisfactory proof that this act has been violated; and should the fine or fines so imposed, be not immediately paid, the vessel or boat in which the colored free persons were conveyed, is hereby declared to be subject and liable to any execution issued for a fine for the violation of this act, and such vessel or boat may be seized by any officer having charge of the execution, and sold to pay the said execution and costs.

SEC. 2. *Be it further enacted*, That in case of the absence or death of the Mayor of the city of Key West, or when from any other cause, there is no acting or qualified Mayor, the Judge of Probate for Monroe county, is hereby fully authorised to exercise all the power and authority given by this act to the Mayor of the city of Key West.

SEC. 3. *Be it further enacted*, That this act shall not apply to, or be enforced against colored free persons who may be shipwrecked near the Island of Key West.

SEC. 4. *Be it further enacted*, That all acts or parts of acts, contravening the provisions of this act, be and the same are hereby repealed, so far as relates to the Island of Key West.

[Passed the House of Representatives, December 31, 1846. Passed the Senate, January 5, 1847. Approved, January 6, 1847.]

## CHAPTER 105.—[No. 35.]

AN ACT to change the Northern line of St. Lucie county.

Boundary.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Northern boundary of St. Lucie county, shall commence on the Atlantic coast at the point near Cape Canaveral, where the line between Townships twenty-two and twenty-three intersects said coast, thence westwardly along said line until the same strikes the river St. Johns, thence southerly along the eastern bank of said river to the line between Township twenty-seven and twenty-eight, thence westwardly along said last named line until the same strikes the western line of said county as heretofore established.

[Passed the House of Representatives, December 14, 1846. Passed the Senate, December 22, 1846. Approved, December 28, 1846.]



CHAPTER 106.—[No. 36.]

1846.

AN ACT to alter and define the Boundary Lines of Marion county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, the following shall be the boundary lines of Marion county, to wit:—Beginning on the north bank of the Withlacoochee river, at the Range line dividing Ranges seventeen and eighteen, running north to the Township line dividing eleven and twelve, thence east along said line to Orange lake, thence down said lake along its southern margin to Orange creek, thence down said creek to its junction with the Oclawaha river, thence along the western bank of the St. Johns river and lake George, until it arrives at Range lines dividing Ranges twenty-six and twenty-seven, and thence down that line to Township line dividing Townships twenty-one and twenty-two, thence west to the head of the Little Withlacoochee river, thence down said river to its junction with the Big Withlacoochee river, thence down said last mentioned river to the place of beginning. Boundary.

SEC. 2. *Be it further enacted,* That all laws or parts of laws conflicting with the provisions of this act, be and the same are hereby repealed.

[Passed the House of Representatives, December 16, 1846. Passed the Senate, December 21, 1846. Approved, December 25, 1846.]

CHAPTER 107.—[No. 37.]

AN ACT to alter the Southern Boundary of Benton county, and to establish the line dividing Hillsborough and Benton counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the district of country bounded as follows, to wit:—Beginning at the mouth of the Big Withlacoochee river, thence up said river to the junction of the Little Withlacoochee river, thence up said Little Withlacoochee to the head of the same, thence east to the Meridian line, thence along said Meridian line South to the Hillsborough river, thence down said river to the line dividing Townships numbered twenty-six and twenty-seven South, thence due West along said line to the Gulf of Mexico, thence along said Gulf to the place of beginning, including all the lands and islands which said river lines and Gulf may enclose. Boundary.

SEC. 2. *Be it further enacted,* That from and after the passage of this act, the line dividing Townships numbered twenty-six and twenty-seven, be and the same is hereby declared to be the line dividing Hillsborough and Benton counties.

[Passed the House of Representatives, December 11, 1846. Passed the Senate, December 30, 1846. Approved, January 1, 1847.]

1846.

## CHAPTER 108.—[No. 38.]

AN ACT to define the boundary of Washington county.

Boundary.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the boundary of the county of Washington shall hereafter be as follows:—Beginning at the western point of the main land at the eastern entrance of the Bay of St. Andrews, running thence on the southern shore of the eastern arm of said Bay to the mouth of Weetappo creek, thence up said creek to the intersection of said creek with Township line between five and six, thence east to Range line ten, thence north to the base line, thence west to Range line twelve, thence north to where the same intersects Township line between five and six, thence west to the Choctawhatchie river, thence down the channel of the same and on the southern shore of the Bay of Choctawhatchie to the east pass of the same, thence along the Gulf shore, including the islands, to the place of beginning.*

[Passed the House of Representatives, December 29, 1846. Passed the Senate, January 1, 1847. Approved, January 4, 1847.]

## CHAPTER 109.—[No. 39.]

AN ACT to fix permanently the County Seat of Calhoun County.

WHEREAS, The Commissioners elected in pursuance of an act approved July 23d, 1845, to locate the county seat of Calhoun county, failed to do so within the time prescribed in said act: Therefore,

How selected.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, That an election shall be held in the county of Calhoun for the purpose of establishing the county seat of said county, the people having the right to nominate the place or places to be voted for at said election; and the place receiving the highest number of votes shall be the county seat for the next ten years, unless otherwise altered by law.*

Time of election and qualification of voters.

SEC. 2. *Be it further enacted, That the said election shall be held on the second Monday in February next, at the same precincts as elections in said county have been held heretofore, and shall be subject to the same regulations as elections held for the election of county officers, except in regard to the qualification of voters; in respect to which, a residence of six months only next preceding said election shall be required.*

Repeal.

SEC. 3. *Be it further enacted, That all laws and parts of laws inconsistent herewith, be and the same are hereby repealed.*

[Passed the House of Representatives, December 16, 1846. Passed the Senate, December 21, 1846. Approved, December 25, 1846.]

## CHAPTER 110.—[No. 40.]

1846.

AN ACT to provide for the permanent location of the County Site of Benton County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That it shall be the duty of the Judge of Probates of Benton county to order an election to be held at the several precincts in said county, on the first Monday in March next, for five persons to act as Commissioners, and to perform the duties hereinafter prescribed.

Commission'rs

SEC. 2. *Be it further enacted,* That notice of said election shall be given, and the appointment of inspectors thereof, shall be made in the manner prescribed by the 4th article of an act relative to elections in this State, approved December 29th, 1845; and in case of the non-attendance of any of said inspectors, or their refusal to perform the duty assigned them, they or any of them may be elected in the manner prescribed by the article aforesaid, and the said inspectors shall qualify by taking the same oath as is required to be taken in other cases by said article, and shall have and possess all the powers to keep and preserve order given to inspectors by said act.

Election &amp; inspectors thereof.

SEC. 3. *Be it further enacted,* That said election shall be conducted, and returns thereof shall be made, and the votes cast thereat shall be canvassed and counted in accordance with the provisions of the fifth, sixth and seventh articles of said act relative to elections, in the same manner as though said election were for county officers.

Manner of conducting election and returns thereof.

SEC. 4. *Be it further enacted,* That any free white male person in said county, of the age of twenty-one years and upwards, who shall have resided therein one year previous to the time of said election, shall be eligible as one of said Commissioners; and every free white male person of the age of twenty-one years and upwards, who shall have resided in said county for the space of six months next preceding said election, shall be entitled to vote thereat.

Qualification of Commissioners.

Of voters.

SEC. 5. *Be it further enacted,* That it shall be the duty of the clerks, at the several precincts in said county, to ask every person who may vote at said election, the following question, to wit: "At what place would you prefer the county site of Benton county to be permanently located?" and each clerk shall keep as many extra columns on the poll-book at said election as there are places named by the voters interrogated as aforesaid, and to write the name or names of such place or places at the head of said extra columns, according to the preference which may have been expressed.

Question to be propounded to voter.

SEC. 6. *Be it further enacted,* That the said Judge of Probates, and those who may assist him in canvassing and counting the votes at said election, shall also ascertain and count the whole number of places which have been named for the county site, and the number of persons who have expressed a preference for each place.

Places voted for &amp; number of votes.

SEC. 7. *Be it further enacted,* That the five persons who shall receive the highest number of votes, shall be declared elected as said Commissioners; and it shall be the duty of the said Judge of Probates to make out and deliver, within five days after said votes are can-

Who elected Commissioners and certificate of election.



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vassed and counted, a certificate of election to each one of the Commissioners elected as aforesaid, which certificate shall specify particularly the different places which have been named by the voters as aforesaid, for the location of the said county site, and the whole number of persons who have declared a preference for each place.

Oath of.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Commissioners elected as aforesaid, to take an oath before some officer authorized to administer oaths, faithfully and honestly to discharge the duty enjoined upon them by the provisions of this act; and within thirty days after the receipt of their certificate of election to proceed to make a selection for the location of said county site, at or near the place for which the greatest number of persons have declared a preference as aforesaid.

Report of the  
Commissioners

SEC. 9. *Be it further enacted*, That said Commissioners shall, within thirty days after said election, make a report of the same to the Judge of Probates of said county, and it shall be the duty of the said Judge of Probate to lay said report of the Commissioners before the Board of County Commissioners at the next session of said Board; and it shall be the duty of said Board to take such action thereon, as to them may seem fit and proper.

County site.

Proviso.

SEC. 10. *Be it further enacted*, That the place so selected by said Commissioners shall be, and remain permanently, the county site of said county: *Provided*, That the Courts of said county shall continue as now to be held at Chocochatta, until suitable buildings shall have been provided at such other place as may be selected.

Acts of a ma-  
jority of Com-  
missioners.

SEC. 11. *Be it further enacted*, That the acts of a majority of said Commissioners to be elected as aforesaid, shall have the same force and effect as the acts of the whole; and nothing in this act shall prevent said Commissioners from selecting and reporting in favor of the present county site at Chocochatta, provided the greatest number of voters shall have declared a preference therefor.

[Passed the House of Representatives, December 28, 1846. Passed the Senate, January 2, 1847. Approved, January 6, 1847.]

## CHAPTER 111.—[No. 41.]

AN ACT giving a Lien to Steamboat-men and others navigating the Bay and River of Apalachicola.

Exclusive lien

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, all persons employed either as captain, pilot, engineer, first or second mate, fireman, deck hand, or other persons in any other capacity whatsoever, and all material men, merchants, or others, for furnishing, fitting out, or work done on all steamboats, lighters, and other water crafts engaged in the navigation of the Apalachicola river, and lighters navigating the bay of Apalachicola, for any debt, dues, wages, or demands, that he, she, or they may and shall have against the owner or owners of said steamboats, or other water crafts, for personal services done, rendered, or per-

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formed on board the same, and for wood and provisions, shall have an exclusive lien on said steamboat, lighter or other water craft, against the owner or owners thereof, superior in dignity to, and of higher claim than, all other incumbrance, no matter of what nature or sort the same may be : *Provided*, That he, she, or they shall demand and prosecute the collection of the same as hereinafter to be provided for, at any time within twelve months after the same shall become due and payable.

Within what  
time demand  
must be pre-  
sented.

SEC. 2. *Be it further enacted*, That whenever any captain, pilot, engineer, first or second mate, fireman, deck hand, merchant, builder, material man, or any other person employed on, or for materials, goods, or supplies furnished any steamboat, lighter, or other water crafts navigating or running on the Apalachicola river and bay of Apalachicola, shall have any claim for services rendered on board the same, or for provisions, stores, or work and labor done, shall be desirous of collecting the same, upon the said debt becoming due and refusal to pay the same upon demand made, he, she, or they may, upon application to any judge of the circuit court in any county in which said steamboat, lighter, or other water craft, may then lie, upon the same arriving at the landing, port, or place of destination to which the same has been freighted, make affidavit before the said judge of the amount due him, her, or them, for any labor, services, or supplies, by him, her or them done and performed, or provisions or stores furnished said steamboat, or other water craft, and specify the name thereof ; whereupon the said judge shall grant an order to the clerk of the circuit court of the county wherein the proceedings shall have been commenced, requiring said clerk to enter up judgment upon said affidavit, in favor of said applicant, for the amount sworn to be due ; and it shall be the duty of said clerk to issue instantan an execution therefor against the owner or owners of said steamboat, lighter, or other water craft, to be directed to the sheriff of the county, whose duty it shall be forthwith to levy said execution upon the said steamboat, or other water craft, and advertise and sell the same, under the same rules and regulations as govern sheriffs' sales in other cases : *Provided*, The said demand exceeds the sum of fifty dollars.

Proceedings to  
collect when  
demand over  
fifty dollars

SEC. 3. *Be it further enacted*, That when said sum shall be for fifty dollars or less, then and in that case, the application shall be made to any justice of the peace in the district where said steamboat, lighter, or other water craft may then be, as aforesaid ; the same being at the place to which the same was freighted ; and the said justice of the peace, upon the filing of the said affidavit, shall issue execution therefor instantan for the amount sworn to be due against said steamboat, lighter or other water craft, and the owner or owners thereof, and deliver the same to any lawful constable of the district aforesaid, whose duty it shall be forthwith to levy said execution on said steamboat or other water craft, whose duty it shall be to advertise and sell as in other cases.

When Justice  
of the Peace  
shall issue ex-  
ecution.

SEC. 4. *Be it further enacted*, That whenever any owner or owners, or other person having control of any steamboat, lighter or other water craft, against which any proceeding may be had under the

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Claim contested.

Affidavit.

Bond.

Property released.

Jury.

foregoing provisions of this act, and may be desirous of contesting said claim or demand, on the ground that the same or some part thereof is not due and owing, he, she, or they, shall file his, her, or their affidavit, denying that the whole or some part thereof was due at the time the applicant filed his affidavit, as provided for in the second section of this act; but when only a part is denied on oath, the amount admitted to be due shall be paid, before the officer levying said execution shall deliver up the property levied on, as hereinbefore specified; and that after filing the affidavit as above required in this section, and giving bond with good security, residing in the county where such proceedings may be had, to the plaintiff in double the amount claimed, conditioned for the payment of the eventual condemnation money and all costs incurred thereon; and whenever said affidavit and bond shall be filed as aforesaid, the levying officer shall deliver up the property levied on, and return the affidavit and bond to the next court in said county, to which said execution may have been returnable, upon which an issue shall be made up and formed, and the truth of the same shall be tried by a jury of said courts respectively at the first term of said court, unless good cause be shewn for a continuance; but the same shall be continued only for one term by each party; and from the verdict rendered in such case, either party shall have the power or privilege to enter an appeal.

[Passed the Senate, December 24, 1846. Passed the House of Representatives, January 1, 1847. Approved, January 4, 1847.]

## CHAPTER 112.—[No. 42.]

AN ACT to establish and regulate Pilotage on the waters and in the harbors of St. Lucie County.

Appointment of Pilots.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That hereafter the Judge of Probates and County Commissioners for the county of St. Lucie, when acting for county purposes, shall, and they are hereby, empowered to appoint and license such number of competent persons as may be deemed necessary to act as pilots in and for the several ports or harbors in said county.

Rates of pilotage and regulations.

SEC. 2. *Be it further enacted,* That the Judge of Probate and County Commissioners are hereby empowered to establish the rates of pilotage in said waters and harbors, and to prescribe rules and regulations to govern pilots in said county.

Bond of Pilot.

SEC. 3. *Be it further enacted,* That all pilots, appointed as aforesaid, shall enter into bond, with security to be approved by the said Judge of Probate, in the sum of one thousand dollars, payable to the Governor and his successors in office, conditioned for the faithful performance of their duties; and shall, before entering upon the duties of their office, take and subscribe an oath to well and faithfully discharge the same.

Oath.

Remedy for

SEC. 4. *Be it further enacted,* That all fees and rates of pilotage,



which may become due, are hereby made recoverable before any court of record in this State.

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pilotage.

SEC. 5. *Be it further enacted*, That the Board of County Commissioners shall have power to annul any license granted to pilots, in cases of incapacity, negligence or incompetency; and if any person, whose license has been annulled, or who has not been regularly appointed a pilot as above directed, and shall actually pilot a vessel or vessels into any of the harbors or waters of said county for which a pilot has been appointed, and receive compensation for the same, shall be fined a sum not exceeding twenty-five dollars for each and every offence, recoverable as is by law provided for the recovery of other penalties incurred for breach of penalties, in the name and for the benefit of said county.

Annulment of license.

Penalty for acting after.

[Passed the House of Representatives, December 22, 1846. Passed the Senate, January 1, 1847. Approved, January 4, 1847.]

### CHAPTER 113.—[No. 43.]

AN ACT to establish and regulate Pilotage on the waters and in the Harbors of Dade county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter the Judge of Probate and County Commissioners of the county of Dade, when acting for county purposes, shall and they are hereby empowered to appoint and license such number of competent persons as may be deemed necessary to act as Pilots in and for the several Ports or Harbors in said county.

Appointment of pilots.

SEC. 2. *Be it further enacted*, That the Judge of Probate and County Commissioners as aforesaid, shall have power to establish the rates of pilotage, and prescribe rules and regulations to govern pilots in said county.

Rates of pilotage and regulations.

SEC. 3. *Be it further enacted*, That all pilots appointed as aforesaid, shall enter into bond with security, to be approved by the Judge of Probate, in the sum of two hundred and fifty dollars, payable to the Governor of the State and his successors in office, conditioned for the faithful performance of his or their duties, and shall before entering upon their duty as pilots, take and subscribe an oath to well and faithfully discharge his duty as a pilot.

Bond of pilots.

Oath.

SEC. 4. *Be it further enacted*, That all fees and rates of pilotage which may become due or owing to any pilot in said county are hereby made recoverable before any court of record in this State.

Remedy for pilotage.

SEC. 5. *Be it further enacted*, That the Board of County Commissioners shall have power to annul any license granted to pilots, in cases of incapacity, negligence or incompetency, and if any person whose license has been annulled, or who has not been regularly appointed a pilot as above directed, and shall actually pilot a vessel or vessels into any of the harbors or waters of said county for which a pilot has been appointed, and receive compensation for the same,

Annulment of license.

Penalty for acting after annulment.

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shall be fined a sum not exceeding twenty-five dollars for each and every offence, recoverable as is by law provided for the recovery of other penalties incurred for breach of penalties, in the name and for the benefit of said county.

Repeal.

SEC. 6. *Be it further enacted*, That all laws and parts of laws, so far as they conflict with this act, be and the same are hereby repealed.

[Passed the House of Representatives, December 18, 1846. Passed the Senate, January 1, 1847. Approved, January 4, 1847.]

### CHAPTER 114.—[No. 44.]

AN ACT to regulate Pilotage at the Port of Cedar Keys.

Rates of pilotage.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, it shall be lawful for the several Pilots of the Port of Cedar Keys, to make such charges for Pilotage as are allowed in the act governing the rates of pilotage at St. Marks; and the pilotage at the Port of Cedar Keys, shall be governed in all respects, where the same can be made applicable, by the act governing pilotage at the Port of St. Marks.

SEC. 2. *Be it further enacted*, That all laws or parts of laws, conflicting with the provisions of this act, be and the same are hereby repealed.

[Passed the House of Representatives, December 16, 1846. Passed the Senate, December 21, 1846. Approved, December 25, 1846.]

### CHAPTER 115.—[No. 45.]

AN ACT to authorise Henry Hewit to establish a Ferry across Choctawhatchee river.

Place &amp; term.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Henry Hewit be, and he is hereby authorised to establish, and charged with the duty of keeping a Ferry on Choctawhatchee river, at a place known as Hewit's Bluff, for and during the term of fifteen years from the passage of this act.

Ferry boat and rates of ferriage.

SEC. 2. *Be it further enacted*, That the said Henry Hewit, his heirs and assigns, shall at all times keep a good and sufficient flat or ferry boat at said ferry, to cross loaded wagons and teams, and he or they shall receive such rates of ferriage as may be established from time to time by the County Commissioners of Walton county, and be subject to the order of said board of Commissioners.

Within what time ferry boat to be established.

SEC. 3. *Be it further enacted*, That if the said Henry Hewit shall fail to establish a ferry within twelve months from the passage of this act, then the rights and privileges granted by this act, are to be void.

SEC. 4. *Be it further enacted*, That it shall not be lawful for any other person or persons to establish a ferry within five miles of said ferry, unless for his or their own use, and not for taking toll. 1846.  
Extent of privilege.

SEC. 5. *Be it further enacted*, That this act shall at any time hereafter be subject to be amended, modified, or repealed by any future legislature of the State of Florida. Modification or repeal.

[Passed the House of Representatives, December 18, 1846. Passed the Senate, January 1, 1847. Approved, January 4, 1847.]

### CHAPTER 116.—[No. 46.]

AN ACT to authorise Richard T. Martin to establish a Ferry across Write's creek.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Richard T. Martin be, and he is hereby authorised to establish, and charged with the duty of keeping a Ferry on Write's creek, in Jackson county, at a place known as the Old Ferry on said creek, for and during the term of ten years from the passage of this act. Place & term.

SEC. 2. *Be it further enacted*, That the said Richard T. Martin, his heirs and assigns, shall at all times keep a good and sufficient flat or ferry boat at said ferry, to cross loaded wagons and teams, and he or they shall receive such rates of ferriage as may be established from time to time by the County Commissioners of Jackson county, and be subject to the orders of said commissioners. Ferry boat and rates of ferriage.

SEC. 3. *Be it further enacted*, That if the said Richard T. Martin shall fail to establish a ferry within twelve months from the passage of this act, then the rights and privileges granted by this act are to be void. Within what time ferry to be established.

SEC. 4. *Be it further enacted*, That it shall not be lawful for any other person or persons to establish a ferry within five miles of said ferry, unless for his or their own use, and not for taking toll. Extent of privilege.

SEC. 5. *Be it further enacted*, That this act shall at any time hereafter be subject to be amended, modified, or repealed by any future legislature of the State of Florida. Modification or repeal.

[Passed the House of Representatives, December 18, 1846. Passed the Senate, December 24, 1846. Approved, December 29, 1846.]

### CHAPTER 117.—[No. 47.]

AN ACT to authorise Jesse Coe to establish a Ferry across the Apalachicola river.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Jesse Coe be, and he is hereby authorised to establish a Ferry across the Apalachicola river, at or near Aspalaga, in Gadsden coun- Place and term of grant.



1846.

ty; and the said Jesse Coe is hereby vested with all and singular, the immunities and privileges belonging to the same, for and during the term of fifteen years, from and after the passage of this act:—*Provided*, The said Jesse Coe shall keep, or cause to be kept, the same in good order.

Ferry boat.

SEC. 2. *Be it further enacted*, That it shall be the duty of the said Jesse Coe, his heirs or assigns, to keep in good order a flat boat of sufficient dimensions to transport across said river, a loaded wagon and team.

Rates of ferryage.

SEC. 3. *Be it further enacted*, That the said Jesse Coe, his heirs or assigns, shall be entitled to receive at said ferry, such fees or toll, and shall be subject to such regulations as shall be established by the board of County Commissioners of the county of Jackson, and the General Assembly of the State of Florida.

Modification or repeal.

SEC. 4. *Be it further enacted*, That this act shall be subject to modification or repeal by any future General Assembly of this State.

[Passed the Senate, 14th December, 1846. Passed the House of Representatives, December 17, 1846. Approved, December 23, 1846.]

## CHAPTER 118.—[No. 48.]

AN ACT to declare the river Miami a navigable stream.

Extent.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the river Miami, in Dade county, shall be and is hereby declared a navigable stream in its whole extent, from the Everglades to the Bay of Biscayne.

[Passed the House of Representatives, December 16, 1846. Passed the Senate, December 21, 1846. Approved, December 25, 1846.]

## CHAPTER 119.—[No. 49.]

AN ACT to re-organize the Sixth Regiment, Florida Militia.

Leon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the militia of the county of Leon be, and they are hereby constituted the Sixth Regiment of the Militia of the State of Florida.

Wakulla county.

SEC. 2. *Be it further enacted*, That the militia of the county of Wakulla be, and they are hereby constituted an independent Battalion, attached to the sixth Regiment, and subject to the orders of commanding officer of said Regiment.

Colonel to order election for Major Wakulla Battalion.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Colonel of the sixth Regiment, immediately after the passage of this law, to order an election for Major of the Wakulla Battalion; and also, to divide the county of Leon into two Battalions, and assign

the present Lieutenant Colonel and Major elect to the command of the respective Battalions.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Lieutenant Colonel and Major of the sixth Regiment, after being assigned to their respective commands, to proceed forthwith to organize the several companies according to militia law.

Duty of Lieut. Colonel and Major.

SEC. 5. *Be it further enacted*, That all officers now holding commissions may be attached to the beats as divided in which they reside upon the division of the present company beats, or resign their commissions, at their option ; the vacancies to be supplied according to law.

Officers holding commissions.

SEC. 6. *Be it further enacted*, That all laws or parts of laws inconsistent with this law, be and the same are hereby repealed.

Repeal.

[Passed the Senate, December 31, 1846. Passed the House of Representatives, January 6, 1847. Approved, January 6, 1847.]

## CHAPTER 120.—[No. 50.]

AN ACT in relation to the Jasper Hussars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the volunteer company of cavalry in Hamilton county, known as the Jasper Hussars, shall not be required to go beyond the limits of said county for drill and inspection.

When shall not go beyond limits of county.

SEC. 2. *And be it further enacted*, That the said Jasper Hussars shall be attached to the eighth Regiment of Florida Militia, now composed of the militia of Madison and Hamilton counties, and shall obey the orders of the commanding officer of said Regiment, any law to the contrary notwithstanding.

Attached.

[Passed the House of Representatives, December 23, 1846. Passed the Senate, December 30, 1846. Approved, January 4, 1847.]

## CHAPTER 121.—[No. 51.]

AN ACT to authorize Reason F. Swilley, Administrator of Calvin E. Swilley, deceased, to sell the Real Estate of said deceased at private sale.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That Reason F. Swilley, Administrator of the estate of Calvin E. Swilley, deceased, be, and he is hereby, authorized to sell at private sale all the real estate of said deceased, being one-sixteenth of a section of land, lying and being in Hamilton county ; and such sale shall be good and valid to all intents and purposes, as if the same were sold under a decree of court: *Provided*, Such Administrator shall first file additional security in such amount as the Judge of Probate of Hamilton county shall require, proportioned to the probable value of such land.

May sell real estate.

Provido.

[Passed the Senate, December 14, 1846. Passed the House of Representatives, December 16, 1846. Approved, December 23, 1846.]

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## CHAPTER 122.—[No. 52.]

AN ACT for the relief of the Executors of the estate of Nehemiah Brush, deceased.

Tax refunded.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of this State be, and he is hereby, directed to issue his warrant upon the Treasurer of this State for the sum of one hundred and ninety-eight dollars and ninety-four cents, in favor of Charles W. Brush, one of the Executors of Nehemiah Brush, deceased, being the amount of double tax imposed upon the lands of said Nehemiah Brush, deceased, located in Alachua county, for the year 1845, and for non-payment of which, said lands have been sold by the Sheriff of said county.

[Passed the Senate, December 31, 1846. Passed the House of Representatives, January 6, 1847. Approved, January 6, 1847.]

## CHAPTER 123.—[No. 53.]

AN ACT to authorize Eliza A. Crews and J. M. Crews, Administrators of James Niblack, deceased, to sell certain Real Estate.

May sell real estate.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That it shall and may be lawful for Eliza A. Crews and J. M. Crews, Administrators of the estate of James Niblack, deceased, to sell at public sale, in the manner prescribed by law, the following real estate allotted to the said Eliza A. Crews, widow of said James Niblack, as her dower, situated in the county of Columbia, and described as follows, to wit: the North West quarter of Section 25, Township 3, Range 10, S. and E., containing 160 acres; and the North end of the East half of the South West quarter of Section 25, Township 3, Range 10, S. and E., by a line East and West, containing 20 78-100 acres: *Provided,* That an order for such sale shall first be made by the Judge of Probate of Columbia county, and such security given as said Judge shall require, and said sale, made under such provisions and restrictions, in regard to the same, and the disposition of the proceeds thereof, as the said Judge may direct.

[Passed the Senate, December 31, 1846. Passed the House of Representatives, January 2, 1847. Approved, January 5, 1847.]

## CHAPTER 124.—[No. 54.]

AN ACT to legitimate and change the names of William Jefferson Fountain, and others therein named.

Preamble.

WHEREAS William Cawthon has memorialized this General Assembly, stating that his infant children, William Jefferson Fountain, Sarah Elizabeth Fountain, Nancy Fountain, Susan W. Fountain, Judith Henrietta Fountain, Lafayette F. W. Andrew Fountain, Ma-



ry Bellew Fountain, and Hosea Fountain, are now illegitimate, and the death of their mother having deprived him of the opportunity of legitimating them by intermarriage with their mother :

AND WHEREAS the said William Cawthon has petitioned this General Assembly to pass an act legitimating his said children, and changing their names respectively to those hereinafter specified :—

SECTION 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, the names of the said William Jefferson Fountain, Sarah Elizabeth Fountain, Nancy Fountain, Susan W. Fountain, Judith Henrietta Fountain, Lafayette F. W. Andrew Fountain, Mary Bellew Fountain, and Hosea Bellew Fountain, infant children of William Cawthon, now a citizen of Walton county in this State, be and the same are hereby respectively changed to William Jefferson Cawthon, Sarah Elizabeth Cawthon, Nancy Cawthon, Susan W. Cawthon, Judith Henrietta Cawthon, Lafayette F. W. Andrew Cawthon, Mary Bellew Cawthon, and Hosea Bellew Cawthon, and they shall hereafter be known and acknowledged by the said last mentioned names respectively, to all intent and purpose as though it had been originally their names.

Names.

SEC. 2. *Be it further enacted,* That the said William Jefferson Cawthon, Sarah Elizabeth Cawthon, Nancy Cawthon, Susan W. Cawthon, Judith Henrietta Cawthon, Lafayette F. W. Andrew Cawthon, Mary Bellew Cawthon, and Hosea Bellew Cawthon be, and they are hereby declared legitimated to all intent and purpose, the same as though they had been born in lawful wedlock.

Legitimated.

[Passed the House of Representatives, December 7, 1846. Passed the Senate, December 14, 1846. Approved, December 18, 1846.]

#### CHAPTER 125.—[No. 55.]

AN ACT to change the name of Seaborn E. Walker to that of Seaborn E. Rawles.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That from and after the passage of this act, the name of Seaborn E. Walker be, and the same is changed to that of Seaborn E. Rawles.

Name.

[Passed the House of Representatives, December 21, 1846. Passed the Senate, December 30, 1846. Approved, January 1, 1847.]

#### CHAPTER 126.—[No. 56.]

AN ACT to change the name of Theodora Caroline Trezvant.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the name of Theodora Caroline Trezvant shall be, and is hereby declared to be altered and changed, and that henceforward the said

Name.

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Theodora Caroline Trezvant shall be known and acknowledged by the name of Sarah Ann Vandergrift.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage and approval.

[Passed the House of Representatives, December 14, 1846. Passed the Senate, December 17, 1846. Approved, December 21, 1846.]

## CHAPTER 127.—[No. 57.]

AN ACT to change the name of Betsy Ann Wingate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That from and after the passage of this act, the name of Betsy Ann Wingate be, and is hereby changed to that of Betsy Ann Robertson; and the said Betsy Ann shall hereafter be known and acknowledged by the said name of Betsy Ann Robertson to all intent and purposes as though it had been originally her name.

[Passed the House of Representatives, December 21, 1846. Passed the Senate, December 26, 1846. Approved, December 29, 1846.]

## CHAPTER 128.—[No. 58.]

AN ACT for the benefit of Buckingham Smith.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Comptroller of Public Accounts be, and he is hereby instructed to issue a warrant on the State Treasury on Territorial warrant No. 135, for services at the St. Joseph's Convention.

[Passed the House of Representatives, December 3, 1846. Passed the Senate, December 7, 1846. Approved, December 14, 1846.]

## CHAPTER 129.—[No. 59.]

AN ACT for the relief of John B. DeCorce.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Treasurer of the State of Florida be, and he is hereby authorised and directed to issue a conveyance to John B. DeCorce, or his assigns, of the tract or parcel of land known as lot number thirty-four, in the North-East quarter of Section one, Township one, Range one, South and West, on being paid by said John B. DeCorce the balance of the purchase money due thereon to the Commissioner of the Tallahassee Fund, in bills of the Union Bank of Florida.

[Passed the House of Representatives, December 17, 1846. Passed the Senate, December 31, 1846. Approved, January 4, 1847.]

CHAPTER 130.—[No. 60.]

1846.

AN ACT to admit Charles P. Cooper to practice Law in the several Courts in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Charles P. Cooper shall be admitted to practice as an Attorney and Counsellor at at Law and Solicitor in the several courts of Law and Equity in this State: *Provided,* That he shall first be examined, if in term time, in open court, if in vacation, at such time and place as may be appointed, and declared qualified therefor, by one of the Judges of the Circuit court in this State.

Examination.

SEC. 2. *Be it further enacted,* That the said Charles P. Cooper, if admitted to practice under the provisions of this act, shall be legally responsible and liable for his acts in the capacity of Attorney, Counsellor and Solicitor, as though he had attained the age of twenty-one years.

Admittance & responsibility.

[Passed the House of Representatives, December 22, 1846. Passed the Senate, December 26, 1846. Approved, December 29, 1846.]

CHAPTER 131.—[No. 61.]

AN ACT to admit Wilkinson Call to practice Law in the several Courts in this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Wilkinson Call shall be admitted to practice as an Attorney and Counsellor at law and Solicitor in the several courts of Law and Equity in this State: *Provided,* That he shall first be examined, if in term time, in open court, if in vacation at such time and place as may be appointed, and declared qualified therefor by one of the Judges of the Circuit court of this State.

Examination.

SEC. 2. *Be it further enacted,* That the said Wilkinson Call, if admitted to practice under the provisions of this act, shall be legally responsible and liable for his acts in the capacity of Attorney, Counsellor and Solicitor, as though he had attained the age of twenty-one years.

Admittance.

[Passed the House of Representatives, December 16, 1846. Passed the Senate, December 21, 1846. Approved, December 25, 1846.]

CHAPTER 132.—[No. 62.]

AN ACT to admit George W. Stewart to practice Law in the several Courts of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That George W. Stewart, notwithstanding his minority, shall be admitted



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Examination.

to practice as an Attorney and Counsellor at Law and as Solicitor in Equity in the several courts in this State: *Provided*, The said George W. Stewart shall first be examined, if in term time, in open court, if in vacation at such time and place as may be appointed, and declared qualified therefor, by one of the Judges of the Circuit court of this State.

Admittance.

SEC. 2. *Be it further enacted*, That the said George W. Stewart, if admitted to practice under the provisions of this act, shall be legally responsible and liable for his acts in the capacity of Attorney, Counsellor and Solicitor, as though he had attained the age of twenty-one years.

[Passed the House of Representatives, December 16, 1846. Passed the Senate, December 21, 1846. Approved, December 25, 1846.]

## CHAPTER 133.—[No. 63.]

AN ACT to adopt a Seal for the Supreme Court of this State.

Seal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Seal procured by the Clerk of the Supreme court, by order and direction of said Court, be and the same is hereby adopted as the Seal of said Court.

[Passed the Senate, January 5, 1847. Passed the House of Representatives, January 5, 1847. Approved, January 6, 1847.]

## CHAPTER 134.—[No. 64.]

AN ACT concerning Divorces.

Divorces.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter divorces from the bands of matrimony shall be allowed to any person, by the judgment of a Court, upon application to be made as in other cases of divorce, who shall have been a citizen of Florida for twelve months, whose husband or wife shall have obtained a divorce in any other State or country.

[Passed the Senate, December 31, 1846. Passed the House of Representatives, January 2, 1847. Approved, January 5, 1847.]

## CHAPTER 135.—[No. 65.]

AN ACT making appropriations to defray the expenses of the Second General Assembly of the State of Florida, commencing on the 23d day of November, 1846, and ending on the 6th day of January, 1847, and for other purposes.

Appropriation

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the following sums shall be appropriated for the pay and mileage of the

members, and for other necessary expenses, of the General Assembly, as follows :

- William W. J. Kelly, No. of miles 540, \$54 00 ; per diem, 45 days, 135 00—total, \$189 00.
- Neill McMillan, No. of miles 500, \$50 00 ; per diem, 45 days, 135 00—total, \$185 00.
- Daniel G. McLean, No. of miles 300, \$30 00 ; per diem, 45 days, 135 00—total, \$165 00.
- Washington Tabor, No. of miles 230, \$23 00 ; per diem, 45 days, 135 00—total, \$158 00.
- Robert J. Floyd, No. of miles 400, \$40 00 ; per diem, 45 days, 135 00—total, \$175.
- Joseph Austin, No. of miles 40, \$4 00 ; per diem, 45 days, 135 00—total, \$139 00.
- J. H. T. Lorimer, No. of miles 18, \$1 80 ; per diem, 45 days, 135 00—total, \$136 80.
- Daniel Bird, No. of miles 60, \$6 00 ; per diem, 45 days, 135 00—total, \$141 00.
- Dennet H. Mays, No. of miles 130, \$13 00 ; per diem, 45 days, 135 00—total, \$148 00.
- Allen G. Johnson, No. of miles 160, \$16 00 ; per diem, 45 days, 135 00—total, \$151 00.
- Jesse Carter, No. of miles 280, \$28 00 ; per diem, 45 days, 135 00—total, \$163 00.
- Gabriel Priest, No. of miles 412, \$42 20 ; per diem, 45 days, 135 00—total, \$176 20.
- H. H. Walker, No. of miles 64, \$6 40 ; per diem, 45 days, 135 00—total, \$141 40.
- Geo. R. Fairbanks, No. of miles 550, \$55 00 ; per diem, 45 days, 135 00—total, \$190 00.
- John Broward, No. of miles 450, \$45 00 ; per diem, 45 days, 135 00—total, \$180 00.
- Adam S. Goodbread, No. of miles 430, \$43 00 ; per diem, 27 days, \$81 00—total, \$124 00.
- R. D. Bradley, No. of miles 600, \$60 00 ; per diem, 45 days, 135 00—total, \$195 00.
- O. M. Avery, No. of miles 540, \$54 00 ; per diem, 40 days, 120 00—total, \$174 00.
- Elisha Gailor, No. of miles 500, \$50 00 ; per diem, 45 days, 135 00—total, \$185 00.
- George D. Fisher, No. of miles 300, \$30 00 ; per diem, 45 days, 135 00—total, \$165 00.
- Stephen Daniels, No. of miles 230, \$23 00 ; per diem, 45 days, 135 00—total, \$158 00.
- John Tanner, No. of miles 140, \$14 00 ; per diem, 38 days, 114 00—total, \$128 00.
- Owen Williams, No. of miles 260, \$26 00 ; per diem, 45 days, 135 00—total, \$161 00.
- Benjamin Wynns, No. of miles 140, \$14 00 ; per diem, 27 days, 81 00—total, \$95 00.

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- N. B. Stone, No. of miles 250, \$25 00 ; per diem, 45 days,  
135 00—total, \$160 00.
- James F. Farrior, No. of miles 400, \$40 00 ; per diem, 45 days,  
135 00—total, \$175 00.
- Lewis Gregory, No. of miles 54, \$5 40 ; per diem, 45 days,  
135 00—total, \$104 40.
- John G. Smith, No. of miles 54, \$5 40 ; per diem, 45 days,  
135 00—total, \$140 40.
- P. A. Stockton, No. of miles 44, \$4 40 ; per diem, 45 days,  
135 00—total, \$139 40.
- William H. Gibson, No. of miles 26, \$2 60 ; per diem, 45 days,  
135 00—total, \$137 60.
- George Monroe, No. of miles 24, \$2 40 ; per diem 45 days,  
135 00—total, \$137 40.
- T. K. Leonard, No. of miles 40, \$4 00 ; per diem, 45 days,  
135 00—total, \$139 00.
- Simon Towle, No. of miles 0 ; per diem, 45 days, \$135 00.
- W. M. Maxwell, No. of miles 8, \$0 80 ; per diem, 45 days,  
135 00—total, \$135 80.
- Joseph Woodruff, No. of miles 40, \$4 00 ; per diem, 45 days,  
135 00—total, \$139 00.
- William R. Taylor, No. of miles 44, \$4 40 ; per diem, 45 days,  
135 00—total, \$139 40.
- John Finlayson, No. of miles 84, \$8 40 ; per diem, 45 days,  
135 00—total, \$143 40.
- J. L. Cooper, No. of miles 54, \$5 40 ; per diem, 45 days,  
135 00—total, \$140 40.
- John Westcott, No. of miles 130, \$13 00 ; per diem, 45 days,  
135 00—total, \$148 00.
- M. M. McIntosh, No. of miles 130, \$13 00 ; per diem, 44 days,  
132 00—total, \$145 00.
- Francis Broward, No. of miles 240, \$24 00 ; per diem, 40 days,  
120 00—total, \$144 00.
- Robert Brown, No. of miles 280, \$28 00 ; per diem, 45 days,  
135 00—total, \$163 00.
- Elisha Carter, No. of miles 330, \$33 00 ; per diem, 37 days,  
111 00—total, \$144 00.
- E. D. Tracey, No. of miles 440, \$44 00 ; per diem, 45 days,  
135 00—total, \$179 00.
- Antonio A. Canova, No. of miles 536, \$53 60 ; per diem, 45 days,  
135 00—total, \$188 60.
- John Houston, No. of miles 596, \$59 60 ; per diem, 45 days,  
135 00—total, \$194 60.
- Louis Aldrich, No. of miles 300, \$30 00 ; per diem, 45 days,  
135 00—total, \$165 00.
- John G. Reardon, No. of miles 412, \$41 20 ; per diem, 19 days,  
57 00—total, \$98 20.
- Charles Russell, No. of miles 590, \$59 00 ; per diem, 45 days,  
135 00—total, \$194 00.



James M. Gould, No. of miles 550, \$55 00 ; per diem, 45 days,  
135 00—total, \$190 00.

A. Jernigan, No. of miles 850, \$85 00 ; per diem, 45 days,  
135 00—total, \$220 00.

John Waterson, No. of miles 424, \$42 40 ; per diem, 45 days,  
135 00—total, \$177 40.

W. D. Ward, No. of miles 1400, \$140 00 ; per diem, 45 days,  
135 00—total, \$275 00.

R. R. Fletcher, No. of miles 1760, \$176 00 ; per diem, 45 days,  
135 00—total, \$311 00.

S. F. Jones, No. of miles 1400, \$140 00 ; per diem, 45 days,  
135 00—total, \$275 00.

W. Hancock, No. of miles 690, \$69 00 ; per diem, 45 days,  
135 00—total, \$204 00.

M. D. Papy, for his services as Clerk of the House of Representatives, 45 days, \$270 00.

M. D. Papy, for extra services, to wit : engrossing and recording Journals, \$125 00.

H. Archer, for his services as Secretary of the Senate, 45 days, \$270 00.

George F. Baltzell, Assistant Secretary of the Senate, 45 days, \$180 00.

William Blount, for services as Sergeant-at-Arms for the House of Representatives, 45 days, \$135 00.

Samuel B. Foster, for services as Door Keeper and Messenger for the House of Representatives, 45 days, \$135 00.

Charles T. Fitchett, for his services as Door Keeper and Messenger to the Senate, 45 days, \$135 00.

Alexander G. McLean, for his services as Sergeant-at-Arms for the Senate, 45 days, \$135 00.

Rev. S. B. Foster, for his services as Chaplain to the House of Representatives, \$50 00.

P. A. Hayward, for his account of stationery for General Assembly, \$168 78.

A. Bestwick, for contingencies, \$13 78.

S. S. Sibley, for Printing done at the commencement of the session, \$130 00.

G. W. Hutchins, for enrolling, \$20 00.

F. Wienker, for contingencies, \$12 50.

G. W. Hutchins, for enrolling for House, \$60 00.

Wm. Choice, as Chaplain to the Senate \$50 00.

Elijah Breckenridge, for wood, \$56 75.

Harry Hawkins, servant hire, \$66 00.

To Comptroller, for clerk hire, \$60 00.

SEC. 2. *Be it further enacted*, That the account of Smith & Bartlett, for printing done for both Houses of the General Assembly be, and is hereby, referred to the Comptroller of Public Accounts, to be audited by him under the existing contracts entered into with said Printers, and issue his warrant upon the Treasury for whatever sums he may find due to said Printers ; and he shall likewise issue his war-

Printer's account

1846.

Contingent  
fund.

rants upon the Treasury for the several sums specified in the first section of this act.

SEC. 3. *Be it further enacted*, That the sum of \$5,000 be set apart as a contingent fund, to be placed under control and direction of the Governor, who is hereby authorized to issue his warrants upon the Treasury for the same or any part thereof.

[Passed the House of Representatives, January 6, 1847. Passed the Senate, January 6, 1847. Approved, January 6, 1847.]

## RESOLUTIONS.

[N. 1.] Resolution requiring the Treasurer to issue his certificates in such sums as the claimant may require.

Treasurer may  
divide certificate.

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Treasurer of this State be required to issue his certificates in such sums as the claimant may demand, on the original warrant of the Comptroller. *Provided*, That such certificates shall not be for less than twenty-five dollars, excepting in cases where the Comptroller's warrant shall be for a sum less than twenty-five dollars.

[Adopted by House of Representatives, December 28, 1846. Adopted by Senate, January 1, 1847. Approved by the Governor, January 4, 1847.]

[No. 2.] Preamble and Resolution exempting the citizens of St. Lucie county from serving as Jurors beyond the limits of said county.

Preamble.

WHEREAS the citizens of St. Lucie county labor under great and serious inconvenience, on account of having to travel a distance of one hundred miles and upwards, to attend the Circuit court in Orange county:

*And Whereas* a large portion of the citizens of this county are deprived of the facilities of travelling, on account of unavoidable circumstances:—Therefore,

Exemption  
from serving  
as jurors.

*Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the citizens of St. Lucie county shall be and they are hereby exempted from serving as Jurymen beyond the limits of the aforesaid county of St. Lucie.

[Adopted by House of Representatives, December 26, 1846. Adopted by Senate, December 30, 1846. Approved by the Governor, January 4, 1847.]

[No. 3.] Preamble and Resolution relative to the establishment of a complete Educational system.

WHEREAS the vast importance of the object in view, requires that no effort should be spared in the attempt to establish for this State, a complete educational system : Preamble.

And Whereas, while in some sections of the State the population is sufficiently dense to admit of the establishment of academies and common schools, with stationary teachers, in other sections the population is too sparse to admit of other than common schools, taught by itinerant teachers :

And Whereas it is impossible for us to obtain at this session of the General Assembly, all the information respecting the different sections of the State with regard to their geographical position, the position, situation and wants of the inhabitants, which it is necessary we should possess, in order to enable this body to act wisely :

And Whereas there has not yet accumulated a sufficient fund for the purpose of education to make a delay of one year in its use a loss to the people of the State :—Therefore,

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor be requested to appoint two competent persons from each division of the State ; that is, two from the West, two from the Middle, two from the East, and two from the South, who shall be furnished with all the information connected with the object in view, which it is in the power of the Governor to give, and requested to submit to the next General Assembly a plan for the establishment of a system of Common Schools adapted to their section of the State, with such remarks as may seem to them necessary to a perfect comprehension of their views : That they also be requested to give their views with regard to the establishment of Academies, and the two Universities, and the manner of their organization : *Provided*, That no compensation shall be paid to the persons so appointed.

Governor to appoint persons to report their views on com'n. schools and universities.

[Adopted by House of Representatives, December 3, 1845. Adopted by Senate, December 17, 1846. Approved by the Governor, December 21, 1846.]

[No. 4.] Preamble and Resolution asking Congress to grant to the State of Florida the Barracks at St. Augustine.

WHEREAS the promotion of the purposes of education, is among the first duties of government ; and in the present situation of our State, the want of suitable buildings is a great impediment to the establishment of schools of learning : Therefore,

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Congress of the United States be requested to grant to the State of Florida, St. Francis Barracks, grounds, buildings and appurtenances at St. Augustine, for the purposes of Education ; and that our Senators and

St. Francis barracks



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Representative in Congress be requested to use their best exertions to procure the passage of a bill for such purpose.

[Adopted by House of Representatives, December 1, 1846. Adopted by Senate, December 4, 1846. Approved by the Governor, December 14, 1846.]

[No. 5.] Preamble and Resolution requesting the Governor to transmit to our Senators and Representative in Congress, copies of the Resolutions in relation to the Seminary lands, &c. adopted by the last General Assembly.

WHEREAS it is of great importance to the interest of Education, that the request contained in the resolutions in relation to the Seminary lands, &c. passed by the last General Assembly, and approved by the Governor, December 20, 1845, be complied with: Therefore,

*Be it resolved by the Senate and House of Representatives of the State of Florida, in General Assembly convened,* That the Governor be, and he is hereby requested to forward a copy of those Resolutions to each of our Senators, and to our Representative in Congress; and calling their attention to them, request that they will use their utmost endeavors to have such laws passed by Congress at the present session as will meet the views therein expressed.

[Adopted by House of Representatives, December 11, 1846. Adopted by Senate, December 17, 1846. Approved by the Governor, December 21, 1846.]

[No. 6.] Resolutions in relation to the claim against the Territory of Florida, by the 3d Auditor of the United States Treasury Department.

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That our Senators in Congress be instructed, and our Representative requested, to bring to the notice of the Congress of the United States, the claim of this State for a proportion of the surplus Revenue deposited with other States, under the act of Congress, approved, 23d July, A. D. 1836, entitled "an act to regulate the deposits of the public money," and to procure the passage of an act recognizing such claim, and providing for the payment of the same.

*Be it further resolved by the authority aforesaid,* That the account entitled, "statement of difference arising in a special statement of the account of the Territory of Florida, for expenditures for and on account of the Territorial militia, in the Quarter Master's and Subsistence Departments in the years 1839, 1840, and 1841, under the acts of the 23d August, 1842, and a joint resolution of Congress, approved 30th April, 1844," accompanying the letter of the Third Auditor of the United States Treasury Department, under date of 15th April, A. D. 1846, directed to the Governor of this State, constitutes no claim or demand whatsoever against the authorities or people of this State, and that the Representatives of the people of

this State do hereby solemnly protest against the liability of this State on account of the same, or any item thereof.

*Be it further resolved by the authority aforesaid, That a copy of these resolutions be forwarded to our Senators and Representative in Congress.*

[Adopted by House of Representatives, December 22, 1846. Adopted by Senate, December 26, 1846. Approved by the Governor, January 1, 1847.]

[No. 7.] Preamble and Resolutions relative to the Permits of settlers under the Armed Occupation Act.

WHEREAS, by the act of Congress, approved 4th August, 1842, entitled "an act to provide for the armed occupation and settlement of the unsettled part of the Peninsula of Florida," entitled the settlers under said act to demand Patents for their permits after five years residence upon their settlements :

Preamble

*And Whereas* a large majority of said settlers, if the law be strictly complied with, will not obtain their patents for a long time to come, but are now well entitled to receive them—the settlers having effected the great object of the law by occupying the country, rendering it safe against the indians, and filling it with a population sufficient to protect it :

*And Whereas* many of the settlers after locating their permits and moving their families upon them, were compelled previous to the passage of an act of Congress, entitled "an act to amend an act, entitled an act to provide for the armed occupation and settlement of the unsettled part of the Peninsula of Florida, approved June 15th, 1844, on account of the sickness and bad water often found upon hammock lands, to remove their families to more healthy spots in the neighborhood of their locations, but who have cultivated the quantity of land specified in said act, and in all other respects complied with its requisitions :

*And Whereas* it would tend much to enhance the prosperity of that section of the country on which said law operates, that the settlers should become, as soon as possible, the owners of the land on which they have located, since they would then be encouraged to make permanent and extensive improvements, and develop the resources of the country : Therefore,

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That* our Senators in Congress be instructed, and our Representative requested to use their best exertions in obtaining the passage of a law by Congress, so modifying the act entitled an act to provide for the armed occupation and settlement of the unsettled part of the Peninsula of Florida, as to authorise the issuing of their patents, as soon as practicable, to such settlers who have made their locations, and cultivated the specified quantity of land, but who have been compelled from sickness, or other causes, to remove to places near their locations, upon proof

Modification  
of Armed Oc-  
cupation Act.

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being shown to the proper office that they have otherwise complied with the law.

[Adopted by House of Representatives, December 24, 1846. Adopted by Senate, December 30, 1847. Approved by the Governor, January 4, 1847.]

[No. 8.] Preamble and Resolutions relating to settlers under the Armed Occupation Act.

Preamble.

WHEREAS the time required by law for settlers under the Armed Occupation Act, approved August 4th, 1842, to prove their residence and cultivation of their respective donations, will expire during the coming year :

*And Whereas* the Commissioner of the General Land Office has authority to appoint a tribunal to receive such proof :

*And Whereas*, if settlers under said act are compelled to go with their witnesses before the Registers and Receivers of the respective Land Offices at Newnansville and St. Augustine, it will be attended with serious inconvenience and expenses which many of them are unable to bear : Therefore,

Board of Commissioners to take testimony.

*Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Commissioner of the General Land Office be hereby respectfully requested to appoint a Board of Commissioners to sit once, at least, in each county where such donations have been granted, to take testimony in relation to the settlers having complied with the law aforesaid.

*And be it further resolved*, That his Excellency the Governor of Florida be requested to forward this Preamble and Resolutions to the Commissioner of the General Land Office at some early period.

[Adopted by House of Representatives, December 9, 1846. Adopted by Senate, December 14, 1846. Approved by the Governor, December 15, 1846.]

[No. 9.] Preamble and Resolutions relating to the removal of the Indians now remaining in Florida.

Preamble.

WHEREAS, The policy of the Federal Government has permitted a remnant of the Seminoles Indians to remain in Florida, and assigned to them temporary limits on the peninsula :

*And whereas*, they have not remained within their boundary, but are frequently in parties, beyond their limits, prowling through the settlements of the whites, killing and harrassing stock, which, it is believed, will, at a period not far distant, cease to be endured, and terminate in results fatal to our frontier inhabitants, and injurious to the interests and prosperity of the State :

*And whereas*, their removal to the territory assigned them in the West would tend to encourage emigration and agriculture, and the developement of the resources of our State : Therefore,

*Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That our Senators



and Representative in Congress be requested to use their best endeavors to procure a speedy removal of the Seminole Indians now remaining in Florida.

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Removal of  
Indians.

*Be it further resolved*, That his Excellency the Governor be requested to forward to our Senators and Representative in Congress a copy hereof.

[Adopted by House of Representatives, December 10, 1846. Adopted by Senate, December 15, 1846. Approved, December 18, 1846.]

[No. 10.] Preamble and Resolution in relation to losses from depredations of Indians.

WHEREAS, Numbers of our citizens suffered great losses from depredations of the Indians in the late Seminole war, for which we consider the General Government responsible, and for which no compensation has been made: Therefore,

*Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That our Senators and Representative in Congress be, and they are hereby, requested to use their best endeavors, at as early a period as possible, to bring this matter before Congress, and to procure an appropriation for the remuneration and indemnity of the said sufferers.

Indemnity for  
losses by In-  
dians.

*Resolved*, That a copy of the foregoing preamble and resolution be transmitted to our Senators and Representative in Congress.

[Adopted by House of Representatives, December 10, 1846. Adopted by Senate, December 15, 1846. Approved, December 18, 1846.]

[No. 11.] Preamble and Resolutions relative to the establishment of a Post Office at Fernandina on Amelia Island.

WHEREAS, The inhabitants of Amelia Island, in the county of Nassau, suffer great inconvenience from the want of a Post Office at *Fernandina*, on said Island, they having at present to cross the water about nine miles, in order to obtain their letters, &c., which in stormy weather is difficult and dangerous:

*And whereas* the mail steamer passes in sight of *Fernandina* twice a week, and might, with very little delay and trouble, deliver their mail:

*Be it therefore resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That our Senators and Representative in Congress be respectfully requested to use their influence in procuring the establishment of a Post Office at Fernandina.

Post Office.

*Be it further resolved*, That his Excellency the Governor be requested to forward a certified copy of the foregoing to each of our Senators and our Representative in Congress.

[Adopted by House of Representatives, December 24, 1846. Adopted by Senate, December 30, 1846. Approved, January 1, 1847.]

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[No. 12.] Preamble and Resolution relating to a Mail Route from Milton, via Escambia and Nathansville, to Sparta, Alabama.

Preamble.

WHEREAS, The establishment of a mail route from the town of Milton, the county site of Santa Rosa county, in this State, via Escambia settlement, in said county, by Nathansville, in Conecuh county, Alabama, to the town of Sparta, in said county of Conecuh, a distance of about seventy-five miles, would be the means of furnishing a Post Office at said settlement on Escambia river, which is a large and flourishing neighborhood, also a large neighborhood at Nathansville, which places are now entirely destitute of Post Offices, it being thirty miles from the former, and twenty-seven from the latter, to the nearest Post Office :

And whereas it is believed that the income of Post Offices at said places would be sufficient to defray the expenses of said proposed route : Therefore,

Mail route.

*Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That our Senators and Representative in Congress be requested to use their best exertions towards obtaining the passage of a law establishing a mail route from the said town of Milton, via Escambia and Nathansville, to Sparta, Alabama ; and that a copy of this preamble and resolution be transmitted by his Excellency the Governor to our Senators and Representative in Congress.

[Adopted by Senate, December 4, 1846. Adopted by House of Representatives, December 9, 1846. Approved, December 21, 1846.]

[No. 13.] Resolution in relation to the United States Bridge over St. Sebastian River.

Bridge over St. Sebastian River.

*Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That our Senators and Representative in Congress be requested to call the attention of the General Government to the condition of the United States Bridge over the St. Sebastian River ; and that they interest themselves to procure a competent Engineer to examine and report the situation of this important work, and the military road connected therewith.

Coast fortification.

*Be it further resolved,* That our Senators and Representative in Congress be earnestly requested to present, for the serious consideration of the General Government, the present undefended state of almost our entire sea coast, the want of fortifications to complete the protection of the coast, and to form important links in a general system of national defence, and that they solicit the attention of Congress particularly to the fortification at St. Augustine.

[Adopted by Senate, December 7, 1846. Adopted by House of Representatives, December 10, 1846. Approved, December 21, 1846.]

[No. 14] Preamble and Resolutions for clearing out the Oclawaha river.

WHEREAS, Congress has heretofore appropriated the sum of ten thousand dollars for the purpose of clearing out obstructions in the Oclawaha river in East Florida :

Preamble.

And Whereas the whole of said appropriation, on account of the dangers of the Indian war, could not be applied to the purposes for which it was made, although a portion thereof has been expended for tools, machinery, &c.

And Whereas said river, if rendered navigable, would afford great facilities for the transportation of the United States mail, and be productive of the rapid growth and settlement of the surrounding country, and thereby greatly expedite and extend the sale of the United States land bordering on said river :

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be requested to use their exertions to have the said appropriation applied to the purposes for which it was originally intended.

Appropriation

Be it further resolved, That certified copies hereof be signed by the proper officers of the General Assembly, and transmitted by the Governor to our Senators and Representative in Congress, at as early a day as practicable.

[Adopted by House of Representatives, December 16, 1846. Adopted by Senate, December 21, 1846. Approved by the Governor, December 25, 1846.]

[No. 15.] Preamble and Resolutions relative to the establishment of a Light House at Indian River Bar.

WHEREAS that vast extent of country, watered by Indian river and its tributary streams, is growing rapidly in importance as it becomes known, and its many natural advantages being more and more developed :

Preamble.

And Whereas a large settlement, composed of many intelligent and enterprising individuals, anxious to improve a country already blest by Providence, has within the last few years, been formed upon Indian river and St. Lucie Sound, and is rapidly increasing ; and as a necessary consequence, vessels are frequently brought along the coast and into Indian river :

And Whereas a long and dangerous coast intervenes between St. Augustine, the nearest Light House north, and Cape Florida, the nearest Light House South, a distance of two hundred miles, consequently it is considered a hazardous undertaking for vessels to approach the coast, and the inhabitants of the country are compelled to pay exorbitant prices to masters of vessels to induce them to come there :

And Whereas it is at present difficult for mariners to find Indian river bar, on account of the peculiar similarity of the coast in that latitude, and there being no visible mark by which to distinguish it :



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*And Whereas* the construction of a Ligh House at Indian river bar would remedy all these evils, and serve as a land mark of safety to all unfortunate mariners who, by the danger of the sea, might be cast upon the coast, and would be of great and almost inestimable importance to that portion of country above alluded to in many other respects than those enumerated here : Therefore,

Appropriation *Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That our Senators and Representative in Congress be and they are hereby requested to use their best exertions to procure an appropriation from Congress for the construction of a Light House at Indian river bar.

*Be it further resolved*, That as soon as this Preamble and Resolution shall have passed both Houses, and been approved by the Governor, a duly authenticated copy thereof be forwarded to our Senators and Representative in Congress.

[Adopted by House of Representatives, December 31, 1846. Adopted by Senate, January 5, 1847. Approved by the Governor, January 6, 1847.]

[No. 16.] Preamble and Resolution asking Congress to make an appropriation to build a Light House at Egmont Key on the Coast of Florida.

Preamble. *WHEREAS* the Port and Harbor of Tampa Bay are of the greatest importance, not only to the people of Florida, but to the commerce of the whole country :

*And Whereas* it is highly important for the protection and safety of the commercial interest on the Gulf coast, that a Light House should be built at the entrance of said harbor :

*And Whereas* Egmont Key, situated immediately at the entrance to said harbor, is the most eligible position for the location of said Light House :

Light House. *Therefore resolved*, That the Congress of the United States be requested to make an appropriation for the purpose of building a Light House on Egmont Key, and that our Senators and Representative in Congress be requested to use their exertions to obtain an appropriation for that purpose.

[Adopted by Senate, December 2, 1846. Adopted by House of Representatives, December 4, 1846. Approved by the Governor, December 14, 1846.]

[No. 17.] Preamble and Resolution asking of Congress the erecting of a Light House at New Smyrna, on the Eastern Coast of Florida.

Preamble. *WHEREAS* the Port of New Smyrna, on the Eastern coast of Florida, is one of much importance, and is one of the principal inlets on the Southern coast :

*And Whereas* the Light House formerly erected at said inlet, has been for some years destroyed, and has not hitherto been replaced :

*And Whereas* the interests of commerce require that it should be re-established : Therefore,

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That our Senators and Representative in Congress be, and they are hereby requested to urge upon Congress the necessity and propriety of having said Light House re-established. 1846.  
Re-establish-  
ment of Light  
House.

[Adopted by Senate, November 30, 1846. Adopted by House of Representatives, December 3, 1846. Approved by the Governor, December 14, 1846.]

[No. 18.] Preamble and Resolution in relation to a Light House at or near the mouth of Suwannee river.

WHEREAS great and serious injury has and will result to the interests of this State, as well as the interests of commerce and navigation in general, for want of a Light House and necessary improvements at the mouth of Suwannee river : Therefore, Preamble.

*Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That our Senators in Congress be instructed, and our Representative requested to use their utmost endeavors to obtain from the Congress of the United States, at the present session of that body, an appropriation for the purpose of erecting a Light House and necessary improvements at the mouth of said river. Light House.

[Adopted by House of Representatives, December 8, 1846. Adopted by Senate, December 11, 1846. Approved by the Governor, December 15, 1846.]

[No. 19.] Resolution in addition to the Resolution in relation to the establishment of a Light House at the mouth of the Suwannee river.

*Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That copies of the Resolution in relation to the establishment of a Light House at or near the mouth of Suwannee river, be sent to our Senators and Representative in Congress, for their early attention. Resolution to  
be sent to our  
Senators and  
Rep'sentative.

[Adopted by House of Representatives, December 31, 1846. Adopted by Senate, January 4, 1846. Approved by the Governor, January 6, 1847.]

[No. 20.] Preamble and Resolutions in relation to the Haul-over on the Atlantic coast.

WHEREAS, It has been more than one year and six months since an act was passed by the Congress of the United States making an appropriation of fifteen hundred dollars for connecting the waters of Indian River and Mesquito Lagoon at the Haul-over : and whereas, owing to the neglect, or refusal, or other cause, of the proper officer in having the work performed, the intercourse and commerce between the inhabitants along the coast is greatly interrupted, and sometimes Preamble.

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entirely cut off, by difficulties which exist in crossing said Haul-over : and whereas, the withholding this appropriation, and not having the work executed, has caused great expense, inconvenience and injustice to the emigrants and settlers, who, knowing this appropriation to have been made and fully believing and looking with confidence to the Government that the same would be executed without delay ; and from the rapidly increasing population and commercial importance from the enterprise of the inhabitants and large pecuniary investments, there is well founded belief that it would continue to rapidly increase, if this work was completed : and whereas, the proper department of the General Government has, in several instances, neglected, declined, or refused, to carry out the intentions of Congress, whereby the appropriations for improvements have reverted to the Treasury of the United States, to the great detriment of the citizens of Florida : Therefore,

Haul-over.

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That our Senators and Representative in Congress be requested to call the early attention of the proper officer of the General Government to this subject, and insist upon the immediate application of the appropriation.

*Be it further resolved,* That the Secretary of State forward copies of this preamble and resolutions to our Senators and Representative in Congress as early as possible.

[Adopted by House of Representatives, December 7, 1846. Adopted by Senate, December 9, 1846. Approved, December 14, 1846.]

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[No. 21.] Resolution in relation to the claim of B. G. Thornton.

Claim to have precedence.

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Treasurer of this State be, and he is hereby, required to pay to Benjamin G. Thornton, his executors, administrators or assigns, the sum of two thousand five hundred dollars out of the first monies which shall come to his hands belonging to the Tallahassee Fund, together with interest thereon at six per centum per annum, from fifth day of March, in the year one thousand eight hundred and forty-two, until paid : *Provided,* That no part of said sum or interest shall be paid until the said Thornton, his executors, administrators or assigns, execute a release in full of all demands upon the State of Florida or the Tallahassee Fund, besides the demand for the said two thousand five hundred dollars : *And provided, also,* That nothing herein contained shall debar the said Thornton from claiming from the United States any amount he may see fit to demand on any account whatever.

[Adopted by House of Representatives, January 6, 1847. Adopted by Senate, January 6, 1847. Approved, January 6, 1847.]



[No. 22.] Resolution relating to the Arms, &c., received by the Governor from the General Government.

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*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Governor of this State be, and he is hereby, authorized to draw his warrants upon the Treasury of this State, to be paid out of the contingent fund, for such sum or sums as may be necessary to the share or proportion to which the arms and accoutrements, forwarded for the use of the State by the Government of the United States by the brig Gen. Wilson, may or shall be liable for general average; and that the Governor be required to take immediate steps to procure the reimbursement of the sums so advanced by him, from the Government of the United States.

Payment of assessed average on public arms

[Adopted by Senate, December 21, 1846. Adopted by House of Representatives, December 22, 1846. Approved, December 23, 1846.]

[No. 23.] Resolution relative to the distribution of the Public Arms in this State.

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the public arms now received, or which may be hereafter received from the Government of the United States, be distributed by the Governor to the volunteer companies of this State now raised, or which may be hereafter raised, as fast as received by his Excellency.

Distribution of arms.

[Adopted by House of Representatives, November 27, 1846. Adopted by Senate, November 28, 1846. Approved, December 3, 1846.]

[No. 24.] Preamble and Resolution relative to an account of P. A. Hayward for Binding for the Executive Department previous to the admission of Florida into the Union.

**WHEREAS**, Philip A. Hayward did, shortly previous to the admission of Florida into the Union, at the request of the Secretary of the Territory of Florida, bind for the use of the Executive Library fourteen volumes of public laws and other documents, for the sum of twenty-one dollars and twenty-five cents agreed to be paid therefor: Preamble.

*And whereas*, in consequence of the admission of Florida as a State, no appropriation hath been made to meet the payment of said claim by the General Government:

*And whereas*, the said Philip A. Hayward hath received nothing as compensation for his work, labor, and materials thus furnished:

*And whereas*, the said books bound as aforesaid are now in use of the State of Florida, and constitute a part of the public libraries of the State: Therefore,

*Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby, authorized and re- Warrant.

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quired to audit and allow the account of said Philip A. Hayward for twenty-one 25-100 dollars, for binding as aforesaid; and to issue his warrant therefor in favor of said Hayward upon the Treasury of this State.

[Adopted by House of Representatives, December 31, 1846. Adopted by Senate, January 6, 1847. Approved, January 6, 1847.]

[No. 25.] Resolution authorizing the Comptroller to audit a certain account of Dr. R. E. Little.

Account to be allowed. *Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller of Public Accounts be, and he is hereby, authorized to audit and allow the account of Dr. R. E. Little, hereto annexed, and issue his warrant upon the Treasury for the payment of the same.*

[Adopted by House of Representatives, January 1, 1847. Adopted by Senate, January 6, 1847. Approved, January 6, 1847.]

[No. 26.] Resolution in relation to Dr. B. S. Screven's account for Medical services to Prisoners.

Account to be allowed. *Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller of Public Accounts be required to audit and allow the account of Dr. Benjamin S. Screven for sixty-nine 75-100 dollars against the State for medicines, medical services and attendance furnished to prisoners confined under criminal charges in the jail of Leon county; and that the Treasurer of this State be required to pay said account out of any money in the Treasury not otherwise appropriated.*

[Adopted by House of Representatives, January 6, 1847. Adopted by Senate, January 6, 1847. Approved, January 6, 1847.]

[No. 27.] Resolution in relation to the lot purchased by Frederick Hoc of the Commissioner of the Tallahassee Fund.

Deed. *Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Treasurer of the State be, and he is hereby, authorized and empowered to make a deed of lot number fifty-six (56,) in Section thirty-six (36,) Township one (1,) Range one (1,) North and West, to the said Frederick Hoc, upon the payment of two hundred dollars and costs of suit, and he remain discharged from the judgment: *Provided*, That after a proper examination of the circumstances connected with this case, it appears to the Treasurer that this is the best disposition which can be made of said lot.*

[Adopted by House of Representatives, December 9, 1846. Adopted by Senate, December 21, 1846. Approved, December 25, 1846.]

[No. 28.] Preamble and Resolution in relation to the claim of the Tallahassee Fund against Henry M. Brackenridge.

WHEREAS, Judgment has been obtained in the Leon County Superior Court in favor of the Tallahassee Fund for a portion of the purchase money of several lots purchased by Henry M. Brackenridge : Preamble.

And whereas, it would cost considerable expense to revive the decrees in order to proceed to sell the same by law, and the said Brackenridge being willing to allow said lots to be sold upon satisfaction being entered upon said decrees or judgment : Therefore,

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That Benjamin Byrd, Treasurer of the State, be and he is hereby instructed to have execution issued upon said decrees in his behalf as Treasurer, and levied upon said lots, and that the same be sold in full satisfaction of said decrees by the Sheriff of Leon county, and that the said Treasurer enter full satisfaction upon said decrees after the said sale.

To issue execution and sell lot.

[Adopted by Senate, January 5, 1847. Adopted by House of Representatives, January 5, 1847. Approved, January 6, 1847.]

[No. 29.] Resolution authorising the Comptroller to issue a warrant in favor of O. A. Myers for one hundred dollars.

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Comptroller be, and he is hereby authorised to issue a warrant on the Treasury, in favor of O. A. Myers, for one hundred dollars, in payment for his services in connection with the Register's Office. Warrant.

[Adopted by House of Representatives, December 29, 1846. Adopted by Senate, January 1, 1847. Approved by the Governor, January 4, 1847.]

[No. 30.] Resolution in relation to a Treasury Certificate issued to Enos Evans, for Six dollars.

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the Treasurer of this State be required to pay to George D. Fisher, the sum of Six dollars, being the amount of Treasury certificate No. 215, dated January 24, 1846, which said certificate was sent by its payee and owner, Enos Evans, to be collected at the Treasury by said Fisher, and was lost or mislaid by him : *Provided,* That said Fisher shall execute a receipt in full of said certificate, and thereby promise to return the same to the Treasury, if ever found, and make affidavit of its loss in the manner aforesaid.

Pay of lost certificate.

[Adopted by House of Representatives, December 30, 1846. Adopted by Senate, January 2, 1847. Approved by the Governor, January 5, 1847.]



1846.

[No. 31.] Resolution relative to the claim of Capt. Wm. H. Payne's company of Volunteers.

Commissioner  
to investigate  
claim of Capt.  
Payne's Com-  
pany.

*Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That his Excellency the Governor be authorised, and is hereby requested to appoint, as early as practicable, a competent person to act as Commissioner, who shall be authorised and instructed to make a legal investigation in the claim of Captain Wm. H. Payne's company of Mounted Volunteers for military services rendered, and subsistence and forage furnished in Columbia county, in the years 1833 and 1839: Provided, That the State shall not be responsible for any expense incurred in the execution of said commission and investigation, and that the Commissioner report to his Excellency the result of such investigation, and that the report be submitted to the next General Assembly.*

[Adopted by Senate, December 9, 1846. Adopted by House of Representatives, December 15, 1846. Approved by the Governor, December 23, 1846.]

[No. 32.] Resolutions authorising the Governor to purchase Three Copies of the "Compendium of Modern Civil Law."

Compendium  
of modern civil  
Law.

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor of this State be, and he is hereby authorised to purchase and pay for, out of the contingent fund, three copies of the "Compendium of Modern Civil Law," now in process of publication by Philip A. Kaufman, of the city of New York.*

Distribution.

*Resolved further, That the said copies, when received, shall be distributed as follows, viz :—One copy to the Executive Library, one to the Supreme Court Library, and one to the Legislative Library.*

[Adopted by House of Representatives, January 4, 1847. Adopted by Senate, January 5, 1847. Approved by the Governor, January 6, 1847.]

[No. 33.] Resolutions authorising the Governor to purchase Treatises on the Orange Trees, &c.

Works to be  
purchased.

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor be, and he is hereby authorised to procure, to be placed in the Library of this State, the following works :—"Historire Naturelle des Oranges," by Rizzo, published at Paris, in 1818; and also, "Traite de Citras," by Gallezio, published at Paris, in 1811, and that the cost thereof be paid out of the Contingent Fund.*

Letter of in-  
formation re-  
lative to Coc-  
cus Hesperid-  
um.

*Be it further resolved, That the Governor be respectfully request-  
ed to address a letter of enquiry on the subject of the "Coccus Hesperidum," and its ravages upon the Orange Trees, to the United States Consul at Nice, in the Kingdom of Sardinia, and obtain through him, all the information possible, relative to the ravages of*

the "Coccus Hesperidum" upon the Orange in that country, subsequent to the year 1806, and the means used in eradicating and preventing the infection, with a view of applying those remedies to the prevention and cure of the diseases of the Orange tree in Florida.

*Be it further resolved*, That the Governor communicate the result of his enquiries to the next General Assembly.

[Adopted by House of Representatives, January 5, 1847. Adopted by Senate, January 5, 1847. Approved by the Governor, January 6, 1847.]

[No. 34.] Resolution authorising the publishing of the Laws to alter the Constitution.

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Secretary of State is authorised, and hereby required, to cause to be published, for six months previous to the next election for members of the House of Representatives, in some newspaper published in St. Augustine, Pensacola, Apalachicola, and Tallahassee, all laws passed at the present session of the General Assembly, amendatory of the Constitution of this State, and that the expense incurred be paid out of the Contingent Fund.

Publication of amendments to Constitution.

[Adopted by House of Representatives, December 31, 1846. Adopted by Senate, January 4, 1847. Approved by the Governor, January 6, 1847.]

[No. 35.] Resolution authorising the Governor to allow all accounts for the transportation of the Laws, Journals, &c.

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Governor be, and he is hereby authorised to examine and allow all accounts for the transportation of the Laws, Journals, and other public documents which are, or may be required by law to be distributed throughout the State; and such accounts, when so approved by the Governor, shall be allowed by the Comptroller, who shall issue his warrant for the payment of the same out of the Contingent Fund.

Expense of transportation of Laws, &c.

[Adopted by House of Representatives, December 26, 1846. Adopted by Senate, December 31, 1846. Approved by the Governor, January 4, 1847.]

[No. 36.] Resolution relating to Public Documents.

*Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That the Secretary of State be authorised and required to transmit to the Librarian of the Harvard University at Cambridge, a complete series of the Public Documents of the Territory and State of Florida; and relating thereto, and do annually, each and every year hereafter, trans-

Public documents to be transmitted to Harvard University.

1846.

mit the Public Documents and Laws printed by the State, to the said Librarian, to the end that the same may be forever preserved and archived in the Library of said Institution.

[Adopted by Senate, December 2, 1846. Adopted by House of Representatives, December 4, 1846. Approved by the Governor, December 14, 1846.]

## AMENDMENTS

TO THE

## CONSTITUTION OF THE STATE OF FLORIDA,

PROPOSED AND AGREED TO BY THE SECOND GENERAL ASSEMBLY; SUBJECT TO THE ACTION OF THE NEXT GENERAL ASSEMBLY.

AN ACT so to amend the Constitution of this State as to extend to all free white male inhabitants, being citizens of the United States, who shall have resided within this State one year, the elective franchise.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the first clause of the sixth article of the Constitution be so amended as follows, viz: Every free white male person of the age of twenty-one years and upwards, and who shall be, at the time of offering to vote, a citizen of the United States, and who shall have resided and had his habitation, domicile, home, and place of permanent abode in Florida for one year next preceding the election at which he shall offer to vote, and who shall, at such time, and for six months immediately preceding said time, have had his habitation, domicile, home and place of permanent abode, in the county in which he may offer to vote, shall be deemed a qualified voter at all elections under this Constitution, and none others; except in elections by general ticket in the State or District prescribed by law, in which cases, the elector must have been a resident of the State one year next preceding the election, and six months within the election district in which he offers to vote: *Provided,* That no soldier, seaman or marine, in the Regular Army or Navy of the United States, unless he were a qualified elector of this State previous to his enlistment as such soldier, seaman, or marine in the Regular Army or Navy of the United States, or of the revenue service, shall be considered a resident of the State in consequence of being stationed within the same.

Passed Senate, December 1, 1846.

D. H. MAYS, *President Senate.*

H. ARCHER, *Secretary Senate.*

Passed House, December 16, 1846.

ROBERT BROWN, *Speaker Ho. Reps.*

M. D. PAPY, *Clerk.*



AN ACT to amend the Constitution of this State so as to make the sessions of the General Assembly biennial instead of annual.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That the second clause of the fourth article of the Constitution of this State be so amended as to read as follows, viz: 2d. The members of the House of Representatives shall be chosen by the qualified voters, and shall serve for the term of two years, from and after the day of the first election under the amended Constitution, and no longer; and the sessions of the General Assembly shall be biennial, and commence on the fourth Monday in November, in each and every second year, or at such other times as may be prescribed by law.

SEC. 2. *Be it further enacted,* That the third clause of the fourth article of the Constitution be amended so that the same shall read as follows: 3d. That the Representatives shall be chosen on the first Monday in the month of October, in each and every second year, from and after the first election under this amended Constitution, or on such other day as may be directed by law.

SEC. 3. *Be it further enacted,* That the fifth clause of the aforesaid article be so amended as to read as follows, viz: The Senators shall be chosen by the qualified electors, for the term of four years, at the same time, in the same manner, and in the same place where they vote for members of the House of Representatives; and no person shall be a Senator unless he be a white man, a citizen of the United States, and shall have been an inhabitant of this State for two years next preceding his election, and the last year a resident of the district or county for which he shall be chosen, and shall have attained the age of twenty-five years.

SEC. 4. *Be it further enacted,* That the sixth clause of the aforesaid article be so amended as to read as follows, viz: The classification of Senators, as made at the first session of the General Assembly held in the year 1845, shall continue unchanged; one-half of whom, as nearly as possible, shall be chosen forever hereafter biennially for the term of four years: *Provided, however,* and it is hereby declared, that the term of office of that class of Senators unexpired at the first election under the amended Constitution, shall extend to, and expire on, the first Monday in October, eighteen hundred and fifty.

SEC. 5. *Be it further enacted,* That the first election for Assemblymen, under this amended Constitution, shall take place on the first Monday in October, eighteen hundred and forty-eight; and the first session of the General Assembly, under this amended Constitution, shall commence on the fourth Monday in November, in the year eighteen hundred and forty-eight.

Passed Senate, December 22, 1846.

D. H. MAYS, *President of Senate.*

H. ARCHER, *Secretary of Senate.*

Passed House of Representatives, December 29, 1846.

ROBERT BROWN, *Speaker Ho. of Reps.*

M. D. PAPY, *Clerk House Reps.*

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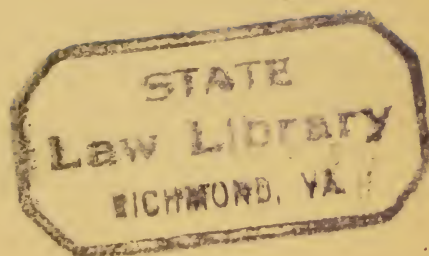
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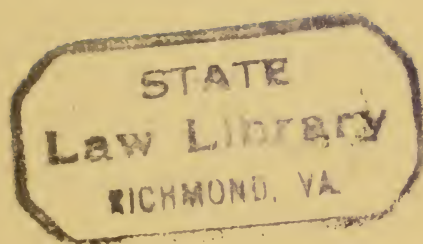
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